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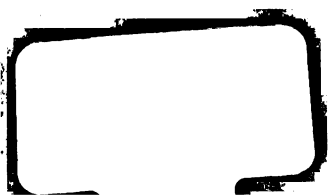
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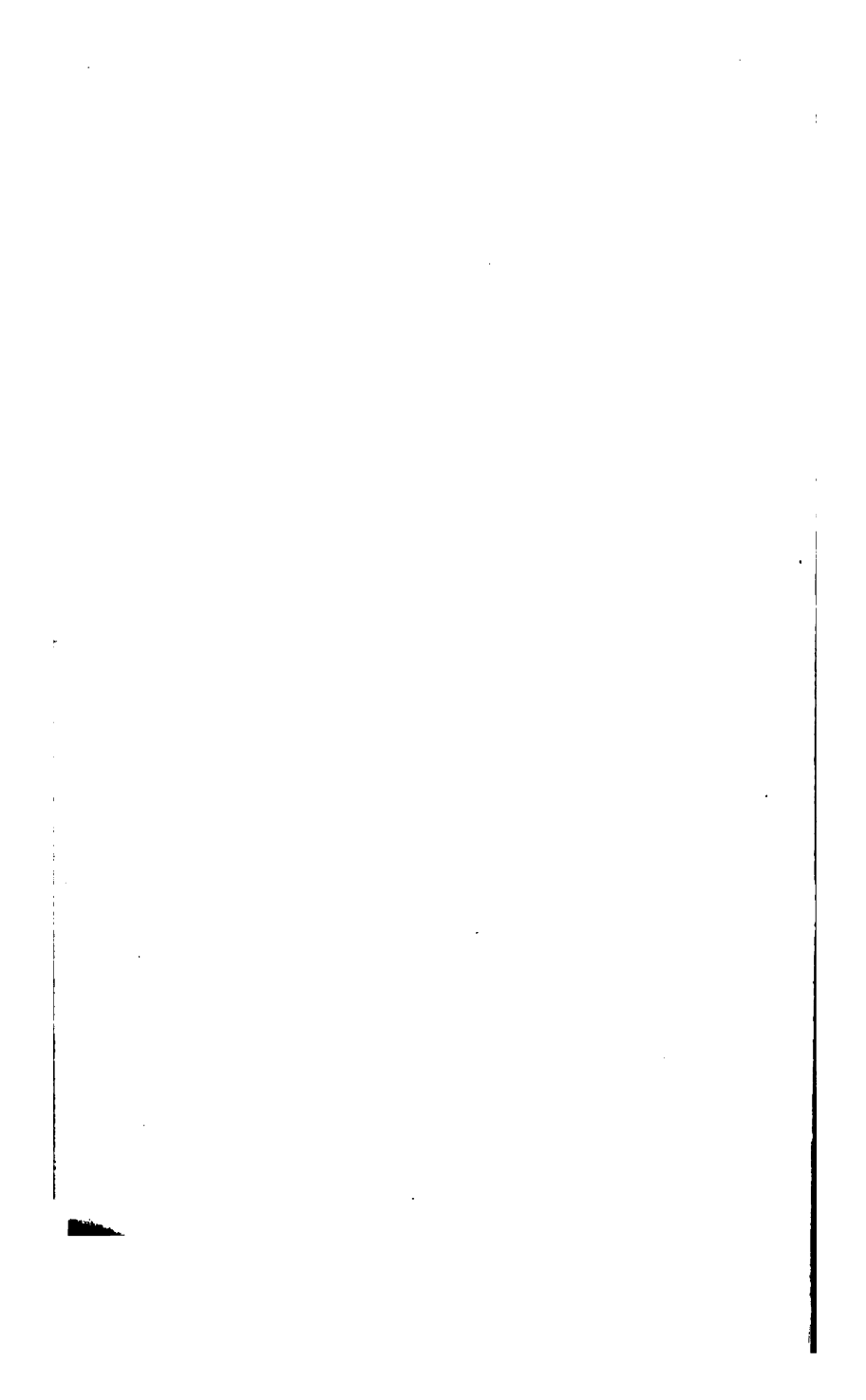


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A. Richardson Del.

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# HAWICK





ANNALS  
OF  
HAWICK

A. D. M. CC. XIV — A. D. M. D. CCC. XIV.

WITH

AN APPENDIX OF ILLUSTRATIVE DOCUMENTS.



*Old Bridge over the Sluis.*

Edinburgh  
THOMAS GEORGE STEVENSON  
87 Princes Street

1850.





*Hawick, Scotland.*

# ANNALS OF HAWICK,

A. D. M.CC.XIV.—A. D. M.DCCC.XIV.

WITH

AN APPENDIX,

CONTAINING

BIOGRAPHICAL SKETCHES, AND OTHER ILLUSTRATIVE  
DOCUMENTS.

BY

JAMES WILSON,

TOWN-CLERK OF HAWICK.



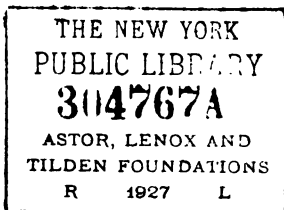
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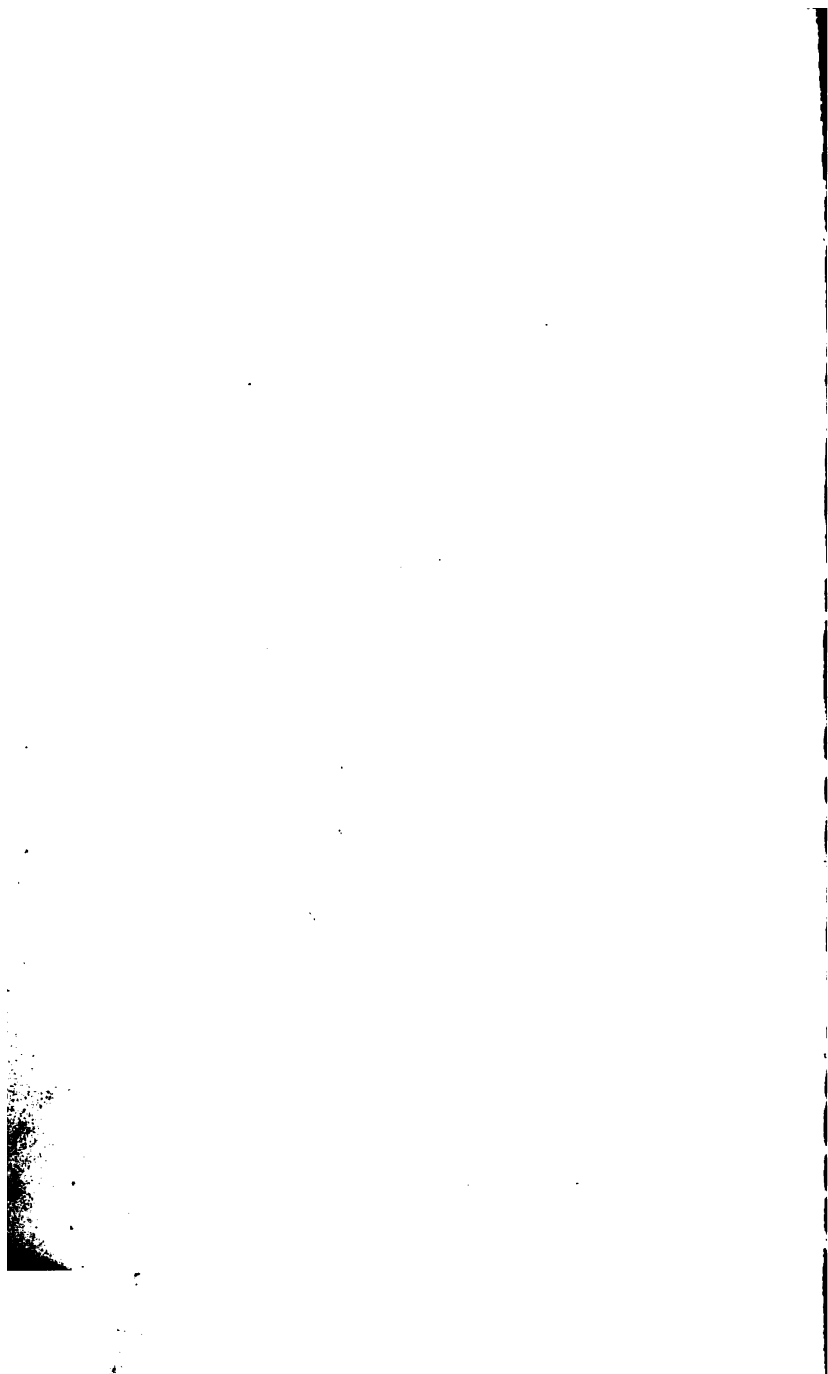
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THESE ANNALS

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## PREFACE.

---

THE completion of a line of Railway, to which the metropolis of Scotland and the ancient burgh of Hawick have become respective *termini*, with certain advantage to the latter, if not indeed to both places,—appeared to the compiler a suitable opportunity for stringing together such notes connected with the history of the town, as he had from time to time entered upon his tablets. Inconsiderate observers may feel disposed to undervalue these “short and simple annals;” but when it is remembered how completely neglected the topography of our country has been, and how important are the smallest materials which contribute to remedy the defect, the facts hereinafter recorded may appear to be neither uninteresting nor entirely devoid of historical value.

To some individuals, the Record of the Proceedings of the Circuit Court of Justiciary, held

at Dumfries and Jedburgh in the years 1622 and 1623, contained in the Supplement, may seem to have no special connection with the town of Hawick ; yet it certainly sheds light on the state of society throughout that part of the Borders with which the town is usually identified, during a period when history furnishes but scanty materials for reference ; and a collection can hardly be considered altogether insignificant, containing authentic reports of our ancient mode of procedure in trials for crime on the Borders, of a much earlier date than any of a similar character yet discovered.

The Appendix includes several documents hitherto unpublished, calculated to convey to the reader an accurate notion of the municipal constitution of the burgh ; and, with regard to the Biographical Sketches, although the lives of some of the persons may be found elsewhere, these, for the most part, are contained in books not generally accessible to most readers.

The View of Hawick, from a painting by Mr Andrew Richardson of Edinburgh, is taken from Easter Martin's Hill, a point which is considered to afford the most pleasing representation of the locality.

The Vignette is from a painting, apparently



that executed by L. Clennel for Sir Walter Scott's *Border Antiquities of England and Scotland*, published in 1813.

To Alexander M'Donald, Esq., Keeper of the Register of Deeds in the General Register House, Edinburgh, who, by revising with remarkable care, the proof sheets of the Justiciary Record, relieved the Editor from that irksome task, his thanks are justly due, and gratefully tendered.

Had access to the archives contained in the charter-rooms of the feudal mansions connected with this part of the Southern Border been obtained by the compiler, the following pages might have been rendered more complete and interesting. As it is, he can only express a hope that some future and more competent individual may enjoy that fortunate privilege.



While these sheets are passing through the press, a very interesting work, intituled, "*Descriptive Catalogue of Casts of the Royal, Baronial, and Ecclesiastical Seals of Scotland*," by Mr Henry Laing of Edinburgh, has been announced for publication. By his permission, the following description of the seals in the Hawick Charter Chest is extracted from the work :—

“ JAMES DOUGLAS OF DRUMLANRIG, 1537.

Quarterly first and fourth, three mullets ;  
second and third, a man's heart ; and on a chief,  
three crosses pattée.

‘ S. J. D. DE DRUMLANREGE.’

(that is, Seal of James Douglas.)

Appended to a Charter by James Douglas of  
Drumlanrig to the town of Hawick, 11th October  
1537.

MARY, A.D. 1545.

The Queen is here seated on a throne of state,  
with a sceptre in her right hand, and her left  
lying on her breast. The throne is elaborately  
embellished with carved ornaments in that mixed  
Italian style prevailing at the time, and now  
called Elizabethan. The inscription is imper-  
fect, but may be read,

‘ MARIA DEI GRACIA REGINA SCOTORUM.’

*Counter Seal of the last.*

The royal arms of Scotland. Supporters, two  
unicorns chained, and gorged with a crown.  
Above the shield, an arched closed crown of  
fleur-de-lis and crosses pattée, the arches meet-  
ing and terminating in a ball, surmounted with

a thistle crowned. The inscription is not very distinct, but can be read,

‘ SALVUM FAC POPULUM TUUM D<sup>N</sup>E.’

SEAL OF THE BURGH OF HAWICK, *circa* 1814.

The common Seal of the burgh of Hawick has crosses pattée. The shield is surrounded by the collar of the Thistle, and further embellished by two banners, the dexter charged with a saltire, and the sinister, another of the same surmounted with an open crown. Behind each supporter is the arms of the burgh, viz., argent, an altar, thereon an open book (the Bible?) between a pennon waving towards the dexter, inscribed with the date 1514; and a man's heart imperially crowned, all proper fesswise; and on a chief, sable, a lamp with two branches inflamed, proper. On a garter surrounding the shield is inscribed,

‘ SIGILLUM BURGI DE HAWICK.’

The charges of the altar and lamp are of course allusive to the religious intentions of the donor of the charter to the town, one of the conditions of which is, that the good town should bear the expense of burning a lamp on certain festivals, for the health of the soul of himself and his successors. The pennon commemorates

the event of the capture of such a trophy by the burghers of Hawick from the English, at a skirmish in the neighbourhood of the town in A.D. 1514. The heart is too well known to require any explanation."

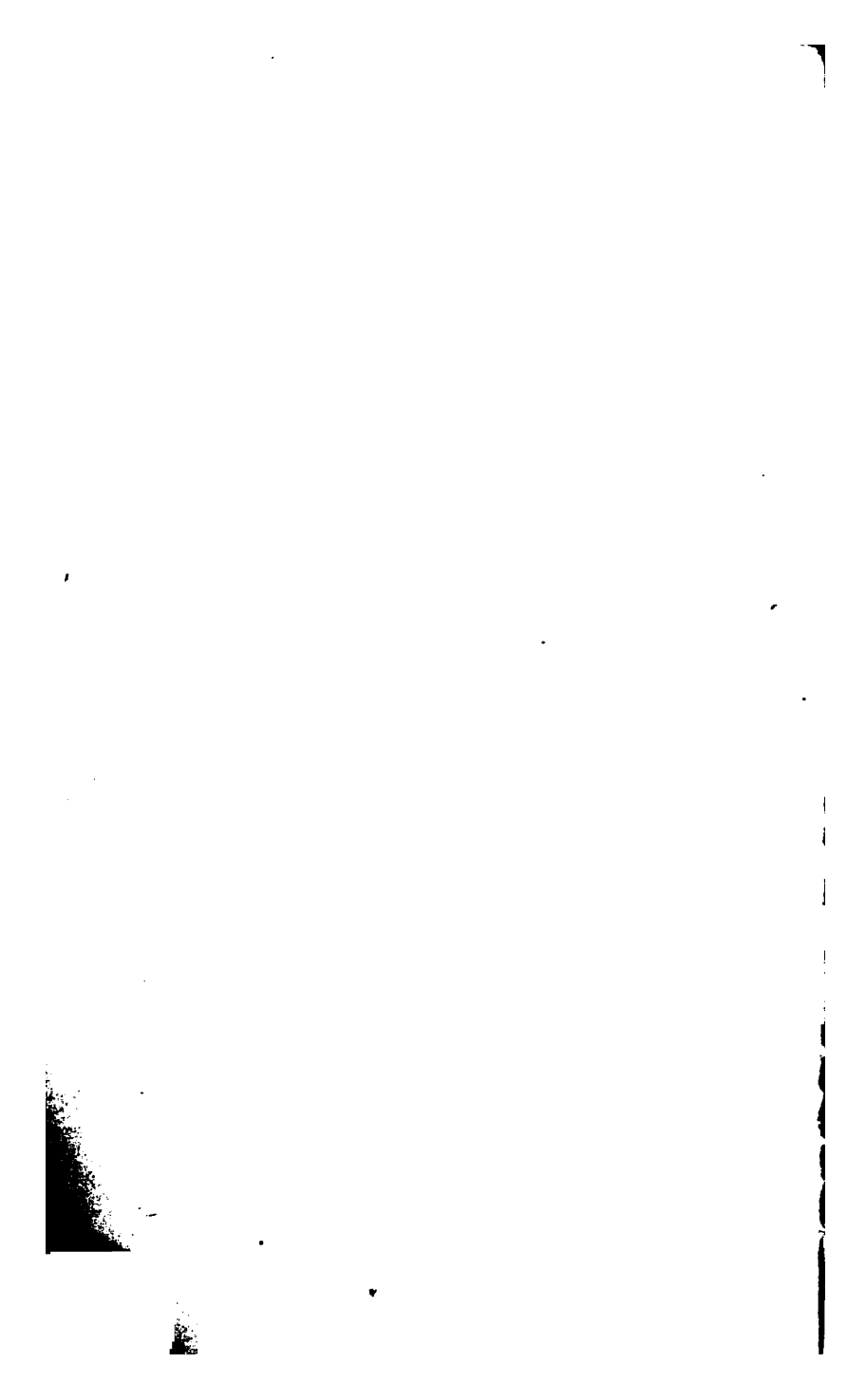
HAWICK, *January* 1850.



ANNALS OF HAWICK,

1214—1814.







## ANNALS OF HAWICK.

A. D. 1214.

“ DEDICATA est *ecclesia* Sanctæ Mariæ de Havie a Domino Æpiscopo Cathenensi iiij. Kal. Junii (May 29).”—*Chronicle of Melrose*, p. 115. \*

This, the earliest notice of Hawick which has been discovered, imports that the *Church* of Hawick was dedicated in honour of the Blessed Virgin by Adam, Bishop of Caithness, who was consecrated to that see in the same month of May.

Mr George Chalmers, a very learned and careful antiquary, has however stated that the church was probably as ancient as the time of the Saxon settlers here, the chief of whom built the mansion

\* The *Chronicle of Melrose* is a historical record, compiled by inmates of that monastery, and embracing a period from A. D. 731 to A. D. 1264. The best edition is that edited by the Rev. Joseph Stevenson, and presented to the members of the Bannatyne Club by the late Sir John Hay and Alexander Pringle, Esq. in 1835.

of his manor in the curve of the Slitrig. If so, the origin of Hawick must be referred to a date anterior to the thirteenth century.\* The records afford no information regarding the architecture or history of the original structure. All they disclose is, that about the year 1763, the church, which had become ruinous, was removed to make way for the present inelegant building, which, however, occupies an admirable site.

There is reason to believe that the *old bridge* near the church is of equal antiquity. So recently as the beginning of the present century, part of a female head, carved in stone, was visible underneath one of its arches, which—corbel, or keystone—probably gave rise to the tradition that it was constructed by a lady.

The stones are said to have been brought from Whitrope quarries in Liddesdale, twelve miles distant.

It is remarkable that there is no allusion in the records of Hawick to the MOTE, the only other remnant of antiquity of which the town can boast. It admits of dispute whether this most interesting remain is to be referred to a British or Saxon origin, although archæologists profess themselves able to decide the point, from an examination of the contents of similar tumuli. Sir Walter Scott,

\* According to Chalmers, the Saxons occupied Teviotdale as early as the sixth century.—*Caledonia*, vol. ii. p. 98.



whom nothing regarding the antiquities of our country escaped, in his Lay of the Last Minstrel, points to the British, or earlier period, for its formation—

“ Dimly he viewed the moat hill’s mound,  
Where Druid shades still flitted round.”

The Mote of Hawick is certainly one of the oldest works of art in Roxburghshire ; more ancient probably than the Roman Causeway, and certainly more so than the Catrail. What adds to its interest is, that while the Causeway and Catrail, the greater parts of which have already been destroyed, are likely soon to disappear altogether before the march of agricultural improvement, the Mote still remains entire, and will certainly endure undecaying, until the people become more barbarous than those wandering tribes by whose hands it was formed.

On all hands, the Mote is allowed to have been the place where justice was once administered. But the erection of the Church, which *seems* also to have been used as a Hall of Justice, would naturally lead to the disuse of the Mote for that purpose: when no longer required for any special use, it would soon cease to be noticed, and thus the silence of the Town’s Records becomes intelligible.

Although the Mote thus answered the purpose of a Court-house, and was probably also a place of rendezvous prior to the origin of the town, yet its primary use seems to have been different.

Hear on this point the venerable Gawyn Douglas,  
Rector of Hawick, in 1496—

“ O Caieta ! thou nuris of Enee,  
Thow has also that tyme quhen thow can de ;  
Untill our coist or fronters of Itale,  
Geuin the brute and fame perpetuale,  
Qubill this day the ilk place and stede,  
Obseruis the renoune efter thy dede :  
Thy tumbe and banis markit with thy name,  
In grete Hisperia witnessing the same ;  
Gif that be oney glory now to the,  
The reuthful shaw and deuoute Prince Enee,  
Performyte dewly thy funerall serwyce,  
Upoun the sepulture as custom wes and gyse,  
*Ane hepe of erd, and litell mote gart uprayes.*”

VIRGIL'S *Æneid*, opening of Book 7.

It may not be considered altogether out of place to notice another work of great antiquity, named the Catrail, or Picts-work Ditch, although situated at some distance from the town. This vast construction of the Romanized Britons, the children of the Gadeni or Ottadini of former times, who possessed this country after the decline of the Roman power, according to Chalmers, originally consisted of a fosse or ditch, 26 feet broad, having a rampart on either side of it, from 8 to 10 feet in height, formed of the earth thrown from the ditch, was constructed by the ancient Britons as a defence against the invading Saxons, about the fourth or fifth century, and after the withdrawal of the Romans. Commencing near Galashiels, it traverses Selkirkshire and enters Roxburghshire, where it crosses the Borthwick

water, near Broadlee. It thence proceeds by Slatehillmoss, crosses the Teviot, through the farm of Northhouse to Doecleuchhill. It then crosses Allan water to Dod, and courses eastward by Whitehillbrae, within five miles of Hawick. It thence proceeds by Carriagehill, crosses Langside burn, the northern base of the Maiden Paps, Leapsteal, Roberts-lin, and Cockspart, and again appears in the Dawstane burn, its entire length being forty-five miles, of which eighteen are in Roxburghshire. It is said, that at equal distances, appearances indicate the sites of separate towers, thus giving to the work the character of a regular fortification. Considering the age and circumstances under which it was formed, this work must be admitted to have been a very great one, and hardly, if at all, surpassed by those of our own age. While it is yet time, it were to be wished that some of the affluent proprietors through whose lands the Catrail runs, would procure accurate delineations of its remains.

The earliest notices of the town in print are contained in the Chartularies of some of our ancient Monasteries, of which the following are instances.

1214.

Roger, son of John de Hawic, is witness to a Charter granted by Anselm de Molla, 1165–1214.  
—*Liber de Melros*, p. 129.

Hugo de Hawic witnesses a Charter by Robert

de Lundris of the Church of Ruthven, dated between 1180 and 1214.—*Registrum de Aberbrothoc*, p. 41.

Adam, Seneschal of Hawick, is witness to a Charter by John, son of Ylif, 1214–1249.—*Liber de Melros*, p. 232.

## 1235.

Maurice, Parson of Hawick, witnesses letter of dedication of the churchyard of St Peter, on 4th May 1235.—*Liber de Melros*, p. 321.

## 1268.

Rodolphus, Rector of the Church of Hawick, witnesses a Charter of Laurence Avenel, dated between 1260 and 1268.—*Registrum Glasguense*, p. 183.

## 1275.

In the Roll of Bagimont, an ecclesiastic commissioned by the Pope to collect the tithes of all the benefices in Scotland, for the relief of the Christians in the Holy Land, the Rectory of Hawick is valued at £16.—*Registrum Glasguense*, pp. lxxv., lxxviii. Mr Chalmers thinks it should not have exceeded £6.

## 1296.

Richard de Wytton, Parson of the Church of Hawick, and Robert de Dene, Parson of the Church of Wilton, swear fealty to Edward I. at Berwick.—*Ragman's Roll*, pp. 139, 161.

## 1297.

Sir William Wallace, apparently without an attendant, pays a visit to his friend Longueville, at Langlands (Wilton Lodge). This probably occurred on his way to or from Newcastle in 1297. The thorn tree to which his horse was tied, still exists. May it be long preserved from rude hands !

## 1306.

In a Charter granted by Robert I. to Henry Balliol of the lands of Branhholm, in the Barony of Hawick, Richard Lovel is named as the former proprietor. The grant excepts the lands which had been given by the King to Walter Comyn.—*Register of the Great Seal*, p. 6.

## 1342.

Sir Alexander Ramsay of Dalhousie, Sheriff of Roxburghshire, is surprised on the seat of justice at Hawick by Sir William Douglas, the Knight of Liddesdale, carried to the dungeon of Douglas's Castle of Hermitage, and there suffered to die of want. Jedburgh being then in the hands of the English, Hawick was the county town where justice was administered.

## 1347.

Edward III. directs the Barony of Hawick, then in possession of that Monarch, but which had been previously held by Richard Lovel and his ancestors for time immemorial, to be restored

to the said Richard. It was then valued by the Royal Commissioners, or inquisition for all its outgoing, at forty merks. The Grant is dated at Redyng, 26th July 1347.—*Rotuli Scotiæ*, vol. i. p. 699.

In the Register of the Priory of St Andrews, p. 261, is a Charter, granted apparently by the same person, therein named, "Richard Lupellus, Dominus de Hawic," by which he confirms to the Canons of St Andrews two bovates (oxgates) of land in Branhholm (*Branceulla*), granted to them by Henry his father.

#### 1300–1350.

William, "Clericus (Parson) de Hawick," is a witness to this Charter, which is undated, but is not later than the first half of the fourteenth century.

King David II. grants a Charter in favour of Maurice de Moravia, Earl of Strathern, of the barony of Hawick, 1329–1371.—*Robertson's Index to the Charters*, 29 and 33.

The same Sovereign subsequently grants a Charter to Thomas Murray, of the baronies of Hawick and Sprouston.—*Ib.* 17, 45.

#### 1355.

John de Hawick, Chaplain, receives the King's letter of presentation to the church of Hawick, in the diocese of Glasgow,\* vacant, and in the

\* Modern Notaries have generally assumed Hawick to be in the diocese of Edinburgh; this seems erroneous. In the

King's gift, by reason of the custody of the lands and heir of Richard Lovel deceased, who held in chief of the King, dated at Westminster, 20th May 1356.—29th Edward III., *Rotuli Scotiae*, p. 777.

## 1362.

William de Hawyk, merchant, belonging to Scotland, having two companions, and three horses, has, with other Scottish merchants, safe conduct to go to England to traffic in their respective vocations.—*Scottish Rolls*, 858, 35th Edward III.

## 1365–6.

John de Hawyk, Chaplain, with four horsemen, his friends, is mentioned among those to whom letters of safe conduct are granted to visit various places in England.—*Rotuli Scotiae*, 1–901, 40th Edward III.

## 1367–8.

William de Hawyk, belonging to Scotland, merchant, with one lad and two horses, has again, with other merchants, safe conduct for England.—*Rot. Scotiae*, 2–920; 42d Edward III.; and again in 1369.

oldest Burgh Sasine discovered, dated in 1558 (see Appendix, No. 5), Patrick Cozan, notary, specifies Glasgow as the diocese, which is confirmatory of the preceding entry in the Scottish Rolls. Edinburgh was not erected into a bishop's diocese until 9th Charles I. (1633). This point is merely matter of curiosity.

## 1379-80.

The name of John de Hawyk appears among other Scottish clergymen (to whom letters of safe conduct were granted of this date) proceeding to Oxford to study.—*Rot. Scotiæ*, 2-20; 3d Richard II.

## 1395.

John de Hawyk, Canon of Glasgow, witnesses a deed in reference to the Hospital of Polmade, November 1395.—*Regist. Glasguense*, p. 294.

## 1412.

King James I., then a captive in England, grants a charter, dated at Croydon in Surrey, in favour of Sir William Douglas of Drumlanrig, in the following terms:—"James, through the grace of God, Kynge of Scottis, till all that this lettre heiris or seeis, sendis gretyng; Wit ye, that we have grantit, and by this present lettre grants, a special confirmation in the maist forme, till our trusty and well belofit cosyng Sir William of Douglas, of Drumlanrig, of all the lands that he is possessit and charterit of within the kyngdom of Scotland; that is to say, the lands of Drumlanrigg, of Hawicke, and of Selkirk, the which charter and possession by this lettre we confirm. In witness of the quhilke, thes present lettres we wrate with our proper hand, under the signet usit in seyling of our lettres, as now at Croydon, the last day of November the year of our Lord one thousand four hundred and twelve."—*Peerage*.



1413.

John de Hawick is notary to an impignoration of land by Andrew Kinglass, 17th November 1413; also to deeds, July 1429; Feb. 1440, &c.; June 1450.—*Regist. Glasguense*, p. 304.

1417.

John de Hawick, precentor of the Church of Glasgow, is mentioned in 1417, 1425, and 1429.—*Regist. Glasguense*, p. 317; and his death in 1433.

1418.

The town of Hawick is burnt by Sir Robert Umfraville, Vice-Admiral of England, and Governor of Berwick.

1424.

Andrew de Hawick, Canon of Dunkeld, rector of the Church of Linton, and secretary to Robert Duke of Albany, is frequently mentioned in the Register of the Great Seal as witness to charters by the Duke, from 1406 to 1424.

1435.

Dominus Malcolmus de Hawyk, rector de Yhethame, is mentioned in 1435; and John de Hawick, precentor, as well as the notary of the same name in the Liber of the Colleges de Glasgu, p. 251.

1443.

John, chaplain of the Collegiate Church of Bothwell, grants deed of consent to the erection of the Church of Hawick into a prebendal Church of Bothwell, &c.

William Earl of Douglas and Avendale, presents James Lindsay, his kinsman, to said prebend.—*Regist. of Glasg.*, p. 336.

Sir William Scott, chief of the Clan Scott, acquires half of the Barony of Branhholme from King James II. Not long before, he had obtained the other half from Thomas Inglis of Manor, in exchange for his estate of Murdieston in Lanarkshire. After the date of the exchange, Branhholme became, and long continued to be, the principal residence of the Buccleuch family, and the Parish Churchyard of Hawick their place of sepulture.

1454.

Among the witnesses to a deed of taxation of the Vicarage of Glencairn in 1454, is, "Magistro Johanne Hawyc, baculario, in decretis Vicario de Dunlop.—*Regist. of Glasg.*, p. 405.

1471.

"In the actione and causs of summondis movit be Sir Edward Borde, provest of the College of the Trinite besides the burgh of Edinburgh, against Thomas Blare, dwelland in Hawic, for the wrangwiss withaldon of the soume of five

merks of acht to him, the malis of the lands within the boundis of Hawic, of five years bypast pertaining to the Kirk of Soutre.....  
.....The lordis decretes and deliveris that the said Thomas content and pay to the said Sir Edward the said sum of five merkis."—*Acta Dominorum Auditorum*, 3d March 1471, p. 23.

1478.

"The actioun and causs of summondis persewit be Master Alexander Murray, persoun of Hawick, aganis David Scott of the Bukleuch, anent the soume of xliij merkis of the rest of a mair soume of the taxt of the Kirk of Hawick, pertaining to the said Mr Alexander, and wrangwisely taken up be the said David, as was allegit, and anent the remanent of the pointis containt in the summondis; Is continawit be the lords auditors to the x. day of May next to cum, with continuation of dais, in the saymn forss and effect that it now is, but prejudice of party; and ordains the diposicions of witness now taken in the said mater to be closit the said day, and lettres to be given to the said Master Alexander to summondis his uther witness, gif he ony has, to the saymn, and baith the partys are summoned *apud acta*."—*Ib.*, 20th March 1478, p. 83.

1488.

During the infancy of King James IV., the supreme rule in the Sherifffdom of Roxburgh, and

three other counties, was invested in the Earl of Angus.

1494-5.

Robert Langlands of that ilk is denounced rebel at the horn, and all his goods escheated to the King, for the slaughter of Sir George Farny-law, chaplain.—*Pitcairn's Criminal Trials*, vol. i. p. 20.

This deed is stated to have been committed at Crosshall, in the parish of Wilton, where a cross formerly stood. According to tradition, it arose out of a dispute regarding the tithes payable by Langlands to the Monastery of Melrose, to which the chaplainry was attached. The following lines were inscribed on the cross :—

“ This is the place where Langlands slew  
The holy priest of Melrose ;  
And Langlands shall be of that ilk nae mair  
When time has levelled this cross.”

This prediction was not realized, as the family of Langlands of that ilk, although now extinct, certainly existed after the cross.

1496.

Gawyn Douglas is admitted rector of Hawick.  
—See *Appendix*, Note 1.

1510.

William Scott in Hawick, George Scott in

Goldielands, and others, sureties for Thomas Scott, brother of Philip Scott of Aidschaw, for 100 merks, are americiated in that sum for his non-compearance.—*Pitcairn's Trials*.

## 1513.

The battle of Flodden (the greatest national blow ever sustained by Scotland) was fought on 9th September; on which occasion the Hawick youth greatly distinguished themselves. The older inhabitants considering the invasion an unwise measure, declined to join the Scottish army; but the youth—

“ With dauntless hearts, unknown to yield,”

marched to battle, and were nearly exterminated; such was the account given by the late William Roger of Hawick, an accurate narrator. It is probable that many of the young men from Hawick were mere boys, although useful for carrying the quivers of the archers.

Sir William Douglas of Drumlanrig, superior of the burgh, father of James Douglas, with 200 gentlemen of that name, were killed in the engagement. Sir Walter Scott of Bransholme and Buccleuch, who remarkably distinguished himself, came off the field alive. He died in 1516.

In the Statistical Account of the Parish of Yetholm, by the Rev. J. Baird, it is asserted, that after the engagement, the Scottish nobles who fell were brought away and buried in the church and churchyard of Yetholm, as the nearest con-

secrated ground to the field of battle. The Havicians, with the rest, were left—

“To feed the crow on Floddiana’s plain,  
And vegetate the soil that each had sought to gain.”

The fullest account of the battle is contained in a poem by an unknown author, believed to have been composed about the middle of the same century, entitled, “The Battle of Flodden Field.” It was reprinted with curious notes by Mr Henry Weber, in 1808, but there are probably many other circumstances relating to the event, preserved in family histories and other records yet uncollected. See also, in relation to the battle, Leyden’s pathetic Ode on visiting Flodden, and the Notes to his Scenes of Infancy. Miss Jane Elliot of Minto’s beautiful song, “The Flowers of the Forest,” allusive to that disaster, may also be referred to.

#### 1514.

In the History of Hawick, published in 1825, the following account is given of the origin of the town’s standard or colour :—

“The most accredited account of the origin of the colour or standard, belonging to the town of Hawick, was given by the late Mr Scott of Burnhead, as follows :—

“A marauding party of the English, the year after the battle of Flodden, came up the Teviot for plunder. Previous to their arrival at Hawick, the magistrates called a meeting of the inhabi-

tants, and proposed that the enemy should be resisted, seeing their number was not great, and that the town should be defended to the last, rather than given up to plunder. Recollections of Flodden sharpened the revenge of the people, who shouted unanimously to be led to battle, when about two hundred stout men were armed with such weapons as the town or neighbourhood could supply. This band set off the following morning, and met the English plunderers at Trows, two miles below Hawick, where a desperate conflict took place. The enemy, about forty in number, with a flag, were come upon rather by surprise, when a complete massacre ensued. The flag was taken, and scarcely a soldier escaped. This colour, or its emblem, has been carried round the marches of the burgh property at the common riding ever since."

## 1529.

The state of the country adjoining the Borders, was such at this time that King James V. considered it necessary to raise a large army, and to proceed in person to execute vengeance upon "the thieves and lymmaris," and to bind down the barons to observe "*gude ruell* within thair boundis."

"To this effect," says Lindsay of Pitscottie, "he gave chairge to all earles, lordis, barrones, frieholders, and gentlemen, to compeir at Edinburgh with ane monethis victuale, to pass with the king to daunton the theives of Tevidail and Annerdail, with all other pairtis of the realm.

Also, the King desired all gentlemen that had doggis that were gud, to bring thame with thame to hunt in the saidis boundis ; quhilk the most pairt of the noblemen of the Highlandis did, sik as the Earles of Huntlie, Argyll, and Atholl, who brought their deir-houndis with them, and hunted with his Majestie. Thir lordis, with many other lordis and gentlemen, to the number of tuelf thousand men, assemblet at Edinburgh, and their-fra went with the Kingis grace to Meggatland, in the quhilkis boundis war slaine, at that time, auchteen scoir of deir.

“ Efter this hunting, the King hanged Johne Armstrang, laird of Kilknokie, quhilk monie Scottis mene heavily lamented, for he was ane doubtit (redoubted) man, and als good ane chieftain as ever was vpoun the Borderis, aither of Scotland or of England. And albeit he was ane lous livand man, and sustained the number of xxiiij weil horsed able gentlemen, with him, yitt he never molested no Scottis man. But it is said, from the Scottis Border to New Castle of Ingland, there was not ane of quhatsoever estate bot payed to this Johne Armstang ane tribut, to be free of his cumber, he was so doubtit in Ingland. So, when he entred in before the King, he cam verrie reverentlie with his forsaid number, verrie richly apparaled, trusting that in respect he had come to the Kingis grace willinglie and voluntarlie, not being tane or apprehendit be the King, he sould obtain the mair favour. But when the King saw him and his men so gorgeous in their apparell, and so many braw men under ane tarrantis com-



mandment, throwardlie he turned about his face, and bad tak that tirrant out of his sight, saying, ‘ Quhat wantis yon knave that a king should have ? ’ But when Johne Armstrange perceaved that the King kindled in ane furie againes him, and had no hope of his liff, notwithstanding of many great and fair offers quhilk he offered to the King ; that is, that he should sustene himself with fourtie gentlemen, ever readie to wait upon his Majesty’s seruice, and never to take a penny of Scotland or Scottis man. Secondlie, that there was not ane subject in Ingland, duke, earl, lord, or barroun, bot within ane certain day he sould bring ony of thame to his Majestie, either quick or dead : he seeing no hope of the King’s favor towards him, said verie proudlie, ‘ I am bot ane fool to seek grace at ane graceless face ; bot had I knawin, Sir, that you would have taken my lyff this day, I sould have lived upon the Borderis in dispyte of Kyng Harrie and you baith ; for I knaw that Kyng Harrie would doun-weigh my best hors with gold to knaw that I was condemned to die this day, ’—so he was led to the scaffold, and he and all his men hanged. This being done, the King returned to Edinburgh the xxiiij day of July, and remained meikle of that winter in Edinburgh.”

The place where this execution took place is still pointed out to strangers, being at Carlenrig Chapel, near Hawick, on the high road to Langholm. Sir Walter Scott adds,—“ The country people believe, that, to manifest the injustice of

this execution, the trees withered away." Armstrong and his followers were buried at Carlenrig, a deserted churchyard, where the graves are still shewn.

Johnnie was certainly betrayed and put to death without trial,—a proceeding which, even in that rude age, was considered unjustifiable. It is improbable that the King, then only in his 21st year, should have prompted this deed. It is much more probable that the monarch was a tool in the hands of Johnnie's enemies.

The grant of his estate in favour of the Lord Maxwell, Johnnie's inveterate enemy, is dated at Priesthaugh, near Carlenrig, where he was executed. See Pitcairn's Criminal Trials. Pitcottie's narrative has been embalmed in the following beautiful ballad :—

#### JOHNIE ARMSTRANG.

Sum speikis of lords, some speikis of lairds,  
And sick lyke men of hie degrie,  
Of a gentleman I sing a sang,  
Sum tyme called Laird of Gilnockie.

The king he wrytes a luvng letter,  
With his ain hand sae tenderly,  
And he hath sent it to Johnie Armstrang,  
To cum and speik with him speedily.

The Eliots and Armstrangs did convene ;  
They were a gallant cumpanie—  
" We'll ride and meit our lawful king,  
And bring him safe to Gilnockie.

" Make kinnen\* and capon ready, then,  
And venison in great plentie;  
We'll wellcum here our royal king;  
I hope he'll dine at Gilnockie!"

They ran their horse on the Langhorne howm,  
And brak their speirs wi' mickle main;  
The ladies lukit frae their loft windows—  
" God bring our men weel hame agen!"

When Johnie cam before the king,  
Wi' a' his men sae brave to see,  
The king he movit his bonnet to him;  
He ween'd he was a king as weel as he.

" May I find grace my sovereign liege,  
Grace for my loyal men and me,  
For my name it is Johnie Armstrang,  
And subject of yours, my liege," said he.

" Away, away, thou traitor strang!  
Out o' my sight soon may'st thou be!  
I grantit nevir a traitor's life,  
And now I'll not begin wi' thee."

" Grant me my life, my liege, my King!  
And a bonny gift I'll gie to thee—  
Full four and twenty milk-white steids,  
Were a' foaled in ae yeir to me.

" I'll gie thee a' these milk-white steids,  
That prance and nicker† at a speir;  
And as mickle gude English gilt,‡  
As four o' their braid backs dow|| bear."

\* *Kinnen*—Rabbits.

† *Nicker*—Neigh.

‡ *Gilt*—Gold.

|| *Dow*—Able to do.

" Away, away, thou traitor strang !  
Out o' my sight soon may'st thou be !  
I grantit nevir a traitor's life,  
And now I'll not begin wi' thee !"

" Grant me my life, my liege, my king !  
And a bonny gift I'll gie to thee—  
Gude four and twenty ganging\* mills,  
That gang thro' a' the year to me.

" These four and twenty mills complete,  
Sall gang for thee thro' a' the year :  
And as mickle of gude reid wheat,  
As a' their happers dow to bear."

" Away, away, thou traitor strang !  
Out o' my sight soon may'st thou be !  
I grantit nevir a traitor's life,  
And now I'll not begin wi' thee."

" Grant me my life, my liege, my king !  
And a great gift I'll gie to thee—  
Bauld four and twenty sister's sons,  
Sall for thee fecht, tho' a' should flee !"<sup>†</sup>

" Away, away, thou traitor strang !  
Out o' my sight soon may'st thou be !  
I grantit nevir a traitor's life,  
And now I'll not begin wi' thee."

" Grant me my life, my liege, my king !  
And a brave gift I'll gie to thee—  
All between heir and Newcastle town  
Sall pay their yearly rent to thee."

\* *Ganging*—Going.

† This exquisite verse is enough to insure immortality to the Ballad. Sir Walter Scott, however, an incomparable judge, preferred the three verses commencing—

" Save a fat horse," &c.

“ Away, away, thou traitor strang!  
Out o’ my sight soon may’st thou be!  
I grantit nevir a traitor’s life,  
And now I’ll not begin wi’ thee.”

“ Ye lied, \* ye lied, now, king,” he says,  
“ Altho’ a king and prince ye be!  
For I’ve luv’d naething in my life,  
I weel dare say it, but honesty—

“ Save a fat horse, and a fair woman,  
Twa bonny dogs to kill a deir;  
But England suld have found me meal and mault,  
Gif I had lived this hundred yeir!

“ Sche suld have found me meal and mault,  
And beef and mutton in a’ plentie;  
But nevir a Scots wyfe could have said,  
That e’er I skaithed her a pure flee.

“ To seik het water beneith cauld ice,  
Surely it is a greit folie—  
I have asked grace at a graceless face,  
But there is nane for my men and me!

“ But had I kenn’d ere I cam frae hame,  
How thou unkind wadst been to me!  
I wad have keepit the border side,  
In spite of all thy force and thee.

“ Wist England’s king that I was ta’en,  
O gin a blythe man he wad be!  
For anes I slew his sister’s son,  
And on his breist bane brak a trie.”

\* *Lied*—*Lye*.

John wore a girdle about his middle,  
 Imbroidered ower wi' burning gold,  
 Bespangled wi' the same metal;  
 Maist beautiful was to behold.

There hang nine targats\* at Johnie's hat,  
 And ilk ane worth three hundred pound—  
 "What wants that knave that a king suld have,  
 But the sword of honour and the crown!

"O whair got thou these targats, Johnie,  
 That blink† sae brawly abune thy brie?"  
 "I gat them in the field fechtin,  
 Where, cruel king, thou durst not be.

"Had I my horse, and harness gude,  
 And riding as I wont to be,  
 It suld have been tald this hundred yeir,  
 The meeting of my king and me!

"God be with thee, Kirsty,‡ my brother!  
 Lang live thou laird of Mangertoun!  
 Lang may'st thou live on the border side,  
 Ere thou see thy brother ride up and down!

"And God be with thee, Kirsty, my son,  
 Where thou sits on thy nurse's knee!  
 But and thou live this hundred yeir,  
 Thy father's better thou'lt nevir be.

"Farewell! my bonny Gilnock hall,  
 Where on Esk side thou standest stout!  
 Gif I had lived but seven yeirs mair,  
 I wad hae gilt thee round about."

\* *Targats*—Tassels.

† *Blink sae brawlie*—Glance so bravely.

‡ Christopher.

John murdered was at Carlinrigg,  
And all his gallant cumpanie ;  
But Scotland's heart was ne'er sae wae,  
To see sae mony brave men die—

Because they saved their countrey deir,  
Frae Englishmen ! Nane were sae bauld  
While Johnie lived on the border syde,  
Nane of them durst cum neir his hauld.

## 1537.

James Douglas of Drumlanrig (see Appendix, No. 2) grants a Charter in favour of the inhabitants of Hawick, usually termed the Magna Charta of the burgh. (*See Appendix, Note 3.*)

Sir John Scott is vicar of Hawick.

## 1544.

Although Hawick is not named in the catalogue of devastations committed on the Scottish frontiers in 1544, by Sir Ralph Evers and Sir Brian Latoun, there can be no doubt that it suffered along with others, as the English then became almost entirely masters of the Border Counties. Henry VIII. had, "to whet their swords," promised Evers and Latoun all the lands they could acquire in Teviotdale ; but at Ancrum Muir these invaders were made to bite the dust. (*See Sir Walter Scott's Border Antiquities, Appendix, No. 5.*)

## 1545.

Mary Queen of Scots grants in favour of the

burgh, a confirmation of Douglas of Drumlanrig's charter.—*See Appendix*, Note 4.

1546.

“ J. D. Here Lies Johnny Deans, ane honest man, qua was Tenant kindlie of Havick-mill, and slain in Debit of his Nighbours Geer, the year of God 1546.”—*Inscription on tombstone in Hawick Churchyard*.

1549.

“ My Lord Graye did tell me he had garrisons in Gedworthe, Hauwycke, and Pepullis, and for that he feeched all the horsemen from hens, bot ane lyttle c. I have written unto my Lord Graye to see Pelytt's men conveyed into Hauwyck for the platte.

“ I am informed the Abbot of Passelow hath put iiijxx haghuts into Hauwyck, and the Lord of Bocloghe hath c. waygers of horsemen to be at Pepullis and Selkyrke; how this matter hath been prevented from us I doe not knowe, whether for lack of secretaries, or our horsemen did not lye whare they ware appoyntit.”—*Letter, Sir Thomas Holcroft to the Lord Protector Somerset, 25th Sept. 1549; Illustrations of Queen Mary's reign, published by the Maitland Club*, p. 42.

The town of Cavers, says Chalmers, was wasted by the English during their courtship of Mary Stuart.—*Caledonia*, vol. ii. p. 177.



1558.

Adam Cessfurd is one of the bailies of Hawick. The sasine in which his name occurs, is the oldest that has been discovered. Being anterior to the Reformation, as well as showing the mode in which property was conveyed at that early period, it is inserted in the *Appendix*, Note 5.

There seem to have been two bailies of Hawick from the earliest times.

1561.

The Earl of Mar makes a sudden march to Hawick, where, armed with regal powers, he encompassed the town with his soldiers, and, by proclamation, forbad any citizen, on pain of death, to receive or shelter a thief. Fifty three of the most noted outlaws were apprehended; of these eighteen were instantly drowned, *for lack of trees and halters*; six more were hanged at Edinburgh; and the rest either acquitted or imprisoned in the Castle.—*Tytler's Scotland*, vol. vi., p. 302; *Birrel's Diary*.

1565.

"The Brodies have done great things of late, as the burning of a town called Hawyke, and therefore are to be considered."—Earl of Bedford to Sir W. Cecil.—*Illustrations of Queen Mary's Reign*.

1569.

A bond is entered into at Kelso by the barons, &c. of the shires of Roxburgh, &c., including

Robert Scott, *bailie of Hawick*, “professing obedience to the King’s majesty, enmity to all thieves, inhabitants of the country of Liddesdail, Eskdail, Ewisdail, and Annanderdail, and in special to all persons of the surnames of Armestrang, Ellote, Niksoun, Croser, Littil, Batesoun, Thomson, Irving, Bell, Johnnestoun, Glendonying, Routlaige, Hendersoun, and Scottis of Ewisdail, and others, notorious thieves, wherever they dwell; engaging to have no intercourse with such, and not to suffer them to resort to markets or trysts, nor yet to allow them to abide or pasture their guidis upon any lands outwith Liddesdail, except such as within eight days find sufficient caution to the Wardens of the Marches that they shall reform all enormities committed by them in tyme byepast, and keep guid rule in tyme coming; and all others not finding the said surety within the said space, they shall pursue to the deid with *fire, sword*, and all other kind of hostility. As also, in case of resistance or pursuit of any of the said thieves, it shall happen any of them to be slain and burnt, or any of the subscribers to be harmed by them, they shall esteem the quarrel and deadly feud equal to them all, and shall never agree with the said thieves but together; and in the meantime, shall take plain part ane with other, and specially shall assist the Laird of Buccleuch, and other Lairds maist ewest to the said thieves, at all occasions convenient.—The original of this

remarkable document is deposited in the General Register House, Edinburgh."—*Pitcairn's Trials*.

1570.

John Carketill of Marcle, is convicted before the Court of Justiciary "of his contemptnable remaining and byding at hame fra our Souerane Lord's raid, ordainit be his hienes lettres of proclamation to have convenit at Hawick upon the 18 day of October 1570."—*Pitcairn's Criminal Trials*.

A raid or gathering of the royal army had been ordered to convene at Hawick on that day.—*Pitcairn*, vol. i., part 2, p. 10.

The town is burnt during the invasion of Earl Surrey. The bailies, in the morning, promised to receive his army, and so had the town *assured*; but, in the evening, the inhabitants, to prevent the English from lodging there, had unthatched their houses, burnt the thatch in the streets, and were all fled, with most part of their goods, so as no person could well enter for smoke, which caused lack of victuals, lodgings, and horse meats; and, therefore, the fire begun by themselves in the straw, *burnt the whole town*, after saving Drumlanrig's castle. Branxholm was destroyed at the same time.—*Stowe's Chronicles*, *Scott's Border Antiquities*, Appx. 5.

Hawick is described by Stowe, in his *Chronicles of England as a greate towne*.

1572.

The chiefs of Fernyherst and Buccleuch, attempting to surprise Jedburgh, which was held for the infant King James VI., were repulsed, and retiring to Hawick, were surprized and taken by Lord Ruthven.—*Border History*, p. 643.

1574.

At Hawick, Sir Walter Scott of Bransholm and Buccleuch, chief of the name of Scott, executed his testament. His effects consisted chiefly of cattle and sheep,—his utensils and domicilis are estimated at £100 Scots, and the whole amounted only to

Scots	£5882	12	4
Debts dedukit,	4487	0	4

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Rests of frie geir,   £1395 12 0

Or £116 sterling ; yet this chieftain made a very great figure in Queen Mary's reign, and could raise 3000 fighting men within his own district. The inventory of his personal estate, given up *be his awin mouth*, is curious. Thus,—“ new caffit ky are appreciated at £5 Scots ; foro ky, 6s. 8d ; stotis and queyis of twa yeir auldis, 3s. 4d. ; ane yeir auld stot, 1s. 8d. ; hoggis, 11d. each ; mylk yhawis with their lambs, 21d. ; dynmonthis and tupes, 14d. ; gymmeris having lambs, 18d. ; without lambs, 15d.” Much of the stock is on the lands of his tenants, it being then common to take rent in this way. Bear is valued at 4s. 2d. ; mele and malt ourhead, 5s. per boll ; aittis with the fodder, 2s. 6d. per boll.—*Scott's Border Antiquities, Appx.*

The following names occur in the deed : Adame Lidderdaile, flesheour ; Hector Wright, smith ; gled Walter Scott ; Hobie Dicksoun, cordiner ; Wattie Wauch ; Robert Scottis wyf ; Geordge Maxwell ; James Clerk ; and Allane Dennes, all in Hawick.

1575.

At a Border skirmish called the Raid of the Reidswire, the last struggle between the Scotch and English, the men of Hawick take part. Hence the old ballad—

“ Then Tivdale came to wi’ speid ;  
The sheriffe brought the Douglas down,  
Wi’ Cranstane, Gladstain, good at need,  
Baith Rewle water, and Hawick town.”

1587.

William Fowler is rector of Hawick (*see Appendix, Note 6*).

1592.

James Burne and David Scott, bailies.

1603.

Robert Scott, called of Alton, bailie.

1606.

The family of Buccleuch are ennobled, Sir Walter Scott of Buccleuch being created Lord Scott of Buccleuch.

“*February 12. 1612.*—Robert Scott and Adame Scott, *bailies of Hawick*: Jock Scott, *belman in Hawick*; William Donald *alias Nymbill*, in Hawick; John Lidderdaill, thair, called *Jok the Deacon*; Hob Scott, thair, called *Hob the Lonkie*; Jok Schorte, thair; and William Johnnestoun, servitour to Mari-ones Hob.

“Dilaitit for airt and pairt of the slaughter of *vmq<sup>le</sup>* Johnne Ellote in Redden, callit Johnne of Rynsiegill, committit within the said Jock Schortis dwelling hous in Hawik, in the moneth of July, the yeir of God J<sup>m</sup>. vj<sup>c</sup>. and ten yeiris.

“Persewar,—Bessie Ellote, as relict, with the fyve fatherles bairns, &c.

“Prelocoutouris for the pannell,—Mr Thomas Nicholsoun and Lawrence Scott, advocatis.

“The persewar producit the letteris deulie execute and indorsate; and in respect thereof, and that sche offeris hirself reddie to persew, protestis for the relief of George Elphingstoun of Glen-sakis-barnheid, and William Elphingstoun, his brother, of thair cautionere.

“It is allegit that the dittay is nawayis relevant to be pute to ane assyse, in respect that the dittay beiris that he was fund lying deid in the irnes; bot it is of verritie, that opone the morne thairefter his committing to waird, he hangit himself in his aune belt; and sa, haifing desperatlie put hands on him self, the pannell can nocht be put to the tryell of ane assise, as airt or pairt

of his death. It is ansuerit, aucht to be repellit, in respect the allegiance is contrair to the lybell.

“The Justice remittis the matter anent the slauchter of the defunct, and tryell of the treuth of the panellis allegeance concerning the putting handis on himself, to the knowledge of ane assise.

“*Assisa*.—Jok Ellote, in Braidlie; Will Scott, in Branxholme; George Airmestrang, in Grudunsyde.

“Robert Layng, being sworne, in presence of the pairtie and assise, and being inquyret concerning Jok Ellote’s death, quhat he kens thair-of? Deponis, he is ane mercheand: being in the kirkyaird of Hawik priking some skynnis, and heiring that Jok Ellote was hingand in the Steepill, came upon the report thair-of into the Steepill, quhair he saw the defunct hingand in his awin belt; quhilk belt he cuttit, and thair being lyfe in the defunct, was brocht out, bot shortlie thair-after he deceist. Robert Scott, being examinat and solempnelie sworne in the premises, *est conformis precedenti in omnibus* (that is,—corroborates the preceding witness).

“*Verdict*.—The assize, all in ane voce, be the mouth of James Greiff in Bowanhill, chancellor, ffand, pronuncet, and declarit the saidis personnes, and ilk ane of thame, to be cleane, innocent, and acquit of airt and pairt of the slauchter above specificit. Quhairvpon thai, and ilk ane of thame, askit actis and instrumentis.

“Rodger Scott, Capitane of the Airmetage, Robene Ellote of Dinlabyre, Robene Ellote of

Copschaw, Francis Ellote, his brother," and nine others of lesser note, "vnlawit and americiat, ilk ane of thame, in the pane of ane hundreth merkis," for thair nocht compeirance to haif past vpone the Assyse.—*Pitcairn*, vol. i. pt. 3, p. 218.

1614.

Robert Scott, bailie of Hawick.

1616.

"The following case is unparalleled even in the annals of Border or Highland revenge. On account of its singularity, it has been considered necessary to make some investigation into the subject, for the information of the curious inquirer. The story is so forcibly told in the proceedings before the criminal court, that the Editor (Mr Pitcairn) shall not weaken its effect by attempting to rehearse the facts in this place. It is enough for the purposes of this collection, that the reader is informed, that the property of Howpaslot, an estate of one of the most ancient branches of the name of Scott, having by some means come into the temporary possession of Sir James Douglas of Drumlanrig, well known as a powerful Border baron, who had distinguished himself by the activity with which he aided the suppression of the disturbances on the marches,—the Lady Howpaslet appears to have been roused into fury at the very idea of the domains of her ancestors coming into the hands of a Douglas. She therefore instantly held a council of war in



the town of Hawick, of which Drumlanrig was the superior, in the month of April 1615, at which she and her friend Jean Scott of Satchells, presided. The bravos and ruffians who figure in this trial, and of whom every clan had a few, to do their worst work, at once undertook to execute the orders of these infuriated females, and, as will be seen by the subsequent proceedings, they succeeded in effectually preventing Drumlanrig from plenishing or stocking the farms. These villains greedily engaged to maim and destroy the whole of the sheep which had been brought to the grounds; and this cruel and barbarous act they performed, in a manner almost too horrible to be related.

“Sir James Douglas, did not long survive the perpetration of this atrocious fact, having died Oct. 16. 1615. He was succeeded by his son Sir William, who was afterwards created Viscount of Drumlanrig, Lord Douglas of Hawick and Libbers, April 1. 1628; and Earl of Queensberry, June 13. 1633. Sir William actively pursued these heartless ruffians, and was successful in bringing all of them to deserved punishment.”

The indictment narrated, “that, in the month of April lastly past, the saidis George Scott, Walter Scott, Ingrem Scott, and Jok Scott, callit the Suckler, haiffing assemblit and convocate to thame selffis, William Scott callit in Satchellis, and others, thair complices, ffirst keippit ane general meitting within the town of Hawik, quhair, in thair devillische counsell, it

was concludit and agreed unto amangis thame, that, within a fyve or sex days thairefter, they sould all meit togidder, vnder nycht, upon the said lands of Howpaslet, and thair to slay and distroy the said Laird of Drumlanrigg's hail bestial and guidis being thereupon; Lykas, according to the foirsaid damnable conclusion, the said George Scott, accompaneit with the said William Scott, callit of Satcheillis, vpone the ..... day of the said month of Aprile last by-past, came, vnder silence and clud of nycht, fra the said town of Hawik to Eilrig-burne fute, and the said William Scott being then musellit, at the quhilk place, the said Jok Scott, callit the Suckler, met with thame; and thairfra they thre past up the watter, be the space of thre quarteris of ane myle, to ane cleuch, callit Birney-cleuch, betwix Eilrig and Howpaslet; quhair, according to the former appointment, the said Wattie and Ingrem Scottis met with thame; ffra the quhilk place they foure, accompaniet with the said William Scott, callit of Satcheillis, came to the saidis lands of Howpaslet; and thair, being bodin with swordis, bandit stallfis, and other wappones, providit be thame for the purpois, in ane cleuch syde, quhair the said Laird of Drumlanrigg his scheip was lying in thair lairis, maist barbarouslie and inhumanlie, as savage and cruel beistis, destitute of naturale reasone, with thair drawin swordis and otheris wappones forsaidis, ran throw the haill flok of scheip, slew, lamet, and menzet, to the number of three scoir of the said scheip,

quhairof fourtie or thereby war slane, be streking of their heidis, and cutting thame in twa throw thair bakis, and the rest of thame thair spaldis and legis were struckin away fra thame in maist barbarous manner, and war sa left sprawling in thair deid-thraws upon the ground of the saidis lands, committing thair throw maist haynous and unheard of crewaltie and oppression."—*Pitcairn's Criminal Trials*, vol. iii. p. 383.

1619.

Robert Scott, called of Alton, bailie.

1622.

Robert Scott and James Burne, bailies.

1624.

Robert Cunnyngnam, parish Minister of Hawick.

1624.

In an action, at the instance of the Laird of Drumlanrig, against the bailies of Hawick, it was held by the Supreme Court, that the town was a lawful corporation, and that the clerk was not a member of the council.—*Morrison's Dictionary of Decisions*, p. 2509.

1626.

Robert Scott, called Marion's Rob, bailie.

1627.

Robert Scott, bailie.

1630.

Bailies since 1620, Robert Scott of Alton, James Burne, Robert Scott, called Marion's Rob, James Gledstains, Andrew Sword, town-clerk.

1638.

“ The Court of the bruche and towne of Hawick, halden within the Tolbuith thereof, upon the fifth day of October 1638, be William Scott and Robert Scott, callit of Goldielands, being bailies for the time, quhilk is the heid court for chusing of the bailies and officers ane yeir to cum ; John Ritchartsonne, clark, Walter Stewart and James Kinnaird, officers.

“ The Court lawlie fensit.

“ The said day, with consent of the bailies and council of said bruche of Hawick, the personnes undernamet were put in the leitt for chusing of the bailies for ane yeir to cum, viz. William Scott at the Croce, Robert Scott, callit of Goldielands, present bailies ; Walter Scott at the Eist-port, Robert Deannes, yair, James Burne, younger, John Scott, maltman, and James Scott, callit of Newton ; quhilk council and communitie, removing thameselfis apairt furth out of the said Tolbuith, and after manniest voittis, all electit and choisit the said Robert Scott, callit of Goldielands, and William Scott, to be bailies within the said bruche for ane yeir to cum, wha all maid faith, and acceptit the said office upon thame as use is.

“ The said day Gilbert Watt and John Rit-

chartson, notaries, war put upon leitt for being clark to the said toune for ane yeir to cum, quhilk council and communitie, all in ane vois, electit the said Gilbert Watt, notar, clark for ane yeir to cum, wha was judiciallie receivit, and maid faithe, *de fidei administratione*.

“Continues the electing of the officers to the meeting of the council ane other tyme, at the will of the bailies.”—*Council Records*.

(This is the earliest entry in the town books properly relating to the municipal affairs. Certain previous entries in volume first consist of a record of the proceedings of the Court of Justiciary, held at Dumfries and Jedburgh in 1622 and 1623, for which see the annexed Supplement.)

“The said day, Bessie Henderson, spouse to Cuthbert Henderson, fleshour, being accused, at the instance of William Scott, bailie, for cuming to his house and stealing of his pettis, wha compeiring judiciallie, confessed the said pettis in the nicht, and cam in will for the same; and yrfoir the bailies, with consent of the council, ordained her to lie 48 hours in the stockis, and thereafter to cum to the mercat-crosse of Hawick upon the mercat day, and to stand thereupon with the pettis upon her shoulder, with ane paper upon her breast or forehead declaring the fault, and cam in the option of the said William Scott, bailie.”—*Council Records*.

This practice of placing criminals at the market-

cross was not wholly discontinued until the commencement of the present century.

The prices of commodities are shewn in the following entries in the burgh records.

A party is adjudged to pay £11 Scots for some malt, ane yow, and twa hoggis. Another £3, 19s. Scots for the mail (rent) of a house; another £4, 10s.; another £3; another 54s.; another 4 merks. For a barne mail, £3, 12s., all for a year. The price of oats is £4 per boll. Price of two pairs men's shoes 25s., or 2s. 1d. sterling. 20s. Scots, or 20d. sterling, are awarded to a man for 4 days at pleuche, and 3s. for his horse ane afternoon (meaning, probably, half a day) to harroes. Appraisers and marchers, chosen by the council, are allowed as fees 2s. when under £5; and 4s. when under £10, &c., all Scots money. Price of thirty-four sheep £102 Scots, or £3 a piece sold at Yuill. Two stones of lint £7. A defender is ordained to pay 40s. for a wedder which he thought was bot ane lamb. 36s. 6d. for a firloft of pease; £1 : 16 : 4 for three firlofts of beans. £4, and £4, 16s. for the boll of malt; a firloft of malt 45s.; ground malt a groat the copful. Grey claith £1 the ell; 28s. Scots for 3½ ells of sarking lyneing. 16s. for a pair of schoon. A party absent from the army for five weeks is ordered to pay 30s. (half-a-crown sterling) therefor. Wark wrocht (ordinary labour probably) 4s., that is 4d per day. A cow £22; a nolt £7. A traveller is ordained to pay a taylor £10, 6s. for graith to his horse for the

hail year ; another to pay £7, 16s. as compt and reckoning for a boll of wheat. For five *quarters* of cheese £3, 16s. For 20 thraives of ait strae £7 ; all Scots money.

1639.

“ In presence of the bailies, minister, hail council and community of Hawick, James Burne, younger, and John Scott, maltman, made count and reckoning of their intromissions of the monies gathered to *the soldiers* within the said town ; charge and discharge thereof being calculated together, rests in the said John Scott's hands, undebursit, the sum of £15, 6s., to be forthcumming to the town's use ; and discharge the said James Burne of his intromissions therewith.”—*Council Records*.

1640.

A party, admitted burgess, makes oath to defend the *religion professed*, and maintain and assist the bailies, officers, and the town to his uttermost.—*Council Records*.

“ Assoilzies Thomas Deans fra the claim persewit be Adam Scott, smith, against him, for payment of £3 money, for his fie, and 20s. for ane pair of shonne ; the sewing of ane firloft of aits, half ane firloft of beir-sewing seed, and lime, with ane auld cleathing of claites for his fie ; account promised be the said Adam Scott to him for his shonne fra Martinmas last to Whitsunday next, in respect of the said Thomas Deans, his

aithe given thereuntill, that he offered his service to him, quha wauld not receive him, except he wauld gif him of his .....

“Compeired before the bailies, Robert Deans, late bailie, and Robert Scott in Grundiston, and being accused at the instance of the Procurator-fiscal for bluiding aither of them uthers, the said Robert Deans came in will for bluiding of the said Robert Scott upon the cheek and hand, and therefore decerned him in ane unlaw of £5, and to remain in ward during the bailies’ will.”—*Council Records.*

The bailies and council promulgate the following municipal code :—

“ACT of the bailies, with consent of the council and community of the town of Hawick to be kept within the said burgh in time coming.—1st January 1640.

“Impr. whatsoever person sal commit blud upon utheris within the freedom of Hawick, sal pay 5 pundis for the blud, and 5 pundis for the bludwyte, efter tryal taken and convict thereof be the bailies, and aucht days in the stockis.

“Item, whatsoever person that committs ryottis, in giving of dry cuffis and strais, being tryit, sal pay 50 shillings, *toties quoties* (each offence), and four days in waird (prison) at the bailies’ will.



“ Item, whatsomever person that steillis any of their neighbours peittis, turffis, green kail, corne, lint, hemp, hennis, capponnes, duckis, or commits any other pettie theft, sal pay £10 to the bailies, by satisfaction to the partie offendit, and sal lie aucht days in the stockis, and stand with ane paper with the theft written upon their forehead at the mercat-crosse, upon the mercat day.

“ Item, the lyik to be done to the resseteris of the theft of corne brought into the town by any personnes.

“ Item, whatsomever person committis the said theft twa several times, or that committs greitere thift, sal be banyshit the town, and lose thir freedom for ever.

“ Item, whatsomever personnes gevis unrevrent language to the bailies, minister, or towne-clark, sal pay £10 efter tryal, *toties quoties*, and waird it during the bailies’ will.

“ Item, whatsomever person that is lawfully warnit be ane officer to cum to the bailies, and refuses, efter tryal sal pay £5 to the bailies, and wardit during the bailies’ will.

“ Item, whatsomever person that sall be committed in waird, and brekis the Tolbuith, or cumes furth thereof without license of the bailies, or ane of them, sal pay £10 money, and wardit during the bailies’ will.

“ Item, whatsomever person that sal deforce the officer in execution of his office, efter tryal sall pay £10 money, and wardit during the bailies’ will.

“ Item, whatsomever person that beis not present yeirlie at the common ryding and setting the faires, sal pay forty shillings, *toties quoties*, and wardit without license or ane lawful excuse.

“ Item, the clark sal tak for every bill making twa shillings, and aucht pennies for the calling thereof frae the maker thereof.

“ Item, for everie decreit extracting within £20, six shillings and aucht pennies, and gif it be mair nor £20, and within £40, thirteen shillings and four pennies, and six shillings and aught pence for ilk act of cattione within the town.

“ Item, that na wabster sal gif any claithe to the walker without consent of the owner thereof, or workis any wark that is not fund sufficient, or has tryit to haif done wrong to any claith, sal pay £10, *toties quoties*, and wardit during the bailies' will efter tryal.

“ Item, that nae person keipis any false weightis, meisoires, or committis any falshuid in their callings, efter tryell sal pay £10, *toties quoties*, and wardit.

“ Item, that ilk merchand that buys cuntrie geir with trone wecht, sall sell it again in small with the lyik wecht, under the pane of forty shillings *toties quoties*.

“ Item, whatsomever person that minds to big ane stane dyck betwixt his nichbour and him, that he sall haif the half of the said dyke upon his neighbour's ground, and the uther half upon his awin; and ilk ane of them sal pay equal

chargis ; and gif the ane nichbour be not content therewith, to big the hale dyck upon his neighbour's ground that refuses, and to pay the hale expense thereof.

“ Item, giff any nichbour mindes to big ane thorn hedge in his yaird, he sall set the thornis within his awin bounds, and his nichbour's within the midds ; and giff he mindes to big ane stane dyck without (the hedge being alwayes in his awin bounds), he sal big the stane dyck upon his nichbour's ground, he beand oblist to remove and take away the said stane dyck within the space of seven years thereafter ; and giff he refuses to take it away, with power to his said nichbour that aught the ground whereupon it standis, to cast downe the said dyck, and tak it away.

“ Item, whatsomever person that mindes to big ane house, he sall haif half gewill of his nichbour's rowmes, for the whilk he sall haif libertie to big and lay to his gewill.

“ Item, that ilk nichbour big his heid room dyck yeirlie, for uphawlding of nichbourheid with uthers, ilk persone, under the pain of £10 money, and to pay their nichbours skaithe be their not bigging thereof.

“ Item, that ilk freeman's heir that is to be admitted burgess and freeman within this Bruch, sal only pay the wyne to the Bailies, with pertinentis.

“ Item, that ilk freeman's eldest son and heir that is to be admitted freeman and burgess, his father being in life, sall pay forty shillings with the wyne and pertinents.

“ Item, that ilk freeman’s second, third, or fourth sone sal pay for ilk ane of their freedoms £4, with the pertinents.

“ Item, that whosever sal marie ane freeman’s dochter, sal pay for their freedom £4 money, with the wyne and pertinents.

“ Item, ilk stranger that shall be admitted freeman within this Burgh and liberties thereof, sal (*remainder not legible*).

“ Item, whatsoever person or personnes that has thair hors, meiris, or nolt of any sort, out of ane house in Hawick, either in his nichbour’s corn, meadow, or haynit gers, sal pay for ilk hors or meir 40 shillings, and for everie nolt of all sortis 10 shillings, *toties quoties*, by the skaithe to the pairtie lesed; and that nane keippe any in the day fra the 15th of April till harvest, except they be tetherit, under the lyik pane.

“ Item, that na persone nor personnis receive na strangers or companie with themselves, nor yet na person sett any house to strangers, without consent of the Bailies, under the pane of £10, *toties quoties*.

“ Item, that na inhabitant within this Bruch, complain to any other judge nor the Bailies for any offence committed, nor yet pursue ane and uther before the Sheriff, Commissar, or uther judge, but before the Bailies of this Bruch in their awin Court, except for testat geir, under the pane of £5, *toties quoties*.

“ Item, that na persone nor personnes bring

in, be themselfis, yr servandis, na cornes, nuther of their awin nor otheris, in the nicht, under the pane of £10, and haldin as theft, *toties quoties*.

“Item, that na persone nor personnis scheir medowis, balkis, or haynit gers thifteouslie, neither nicht nor day, under the pane of 40 shillings, *toties quoties*, half to the Bailies, and the uther half to the pairtie offendit, and to be punishit at the Bailies’ will.

“Item, that all flescheris present the hale flesh slaine by them at the mercat place, the sheip with the heid thereupon, the nolt with the hyd upon them, and that nane cut out nor tak away any fra them, nor present nor bring in to the towne any insufficient flesch that has or deis of any sickness, under the pane of confiscation, warding of their persons, and fying at the Bailies’ will; and nae mutton nor beif be blawin or presented to the mercat, under the pane of confiscation thereof.

“Item, that na persone nor personnis keip na swine nor geis within the bounds of this town, bot on the Common yeirlie, frae the first day of March to the first day of November yeirlie, with power to any that finds them in their skaithe, corne yairds, or croftes, within the said space, to slay them at their awin hand, without any danger or trouble to them therefor, either by law or bye-law therefor, under the pane of £10, to be de-vidit between the Bailies and the town.

“Item, that ilk man keippe the calsay before

his awin dure and heritage, under the pane of 40 shillings, bye the payment for keeping thereof.

“ Item, that nane keippe any caldit, scabbit, or other seik bestis within this bruch and freedom thereof, under the pane of 40 shillings; and item, that ilk person tak away and bury thereof.

“ Item, that the hale websters within the Bruch of Hawick and freedom thereof, convene and meet together at ilk time they sal be requirit be the craftsmen, on any occasion concerning the craft, or for any other particular concerning the town and libertie thereof; ilk person that refuses to meet as said is, being lawfully warnit, sal pay 16 shillings to the Bailies, and 8 shillings to the craft, to be disposed upon by them as they sal think best, without ane lawful excuse, conform to the supplication given in by the craft to the Bailies and Council of this Bruch thereanent; and that nae webster receive nae wark frae any person that has wrought wark with other wabsters, and has not payit them therfor, quhil they first pay the wabster that rowcht to them of before, under the lyck penalty.

“ Item, that whatsomever person buys any butter or cheese before the bell rings, sal pay £5, and lie in ward during the Bailies’ will.

(Sig<sup>d</sup>.) William Scot, *Bailie*.

Robert Scott.

Johne Scot.

James Burne.

Robert Layng.

G. Deanis, *Bailie*.

Gilb. Watt, *Clk*.

James Scot.

Robert Smith.

Robert Gillaspie.	James Clappertone.
William Scot.	William Roucastell.
Walter Chisholme.	Andro Ledderdaill.
George Rucastel.	John Scott, Merch <sup>t</sup> .
Robert Deanes.	<i>Council Records.</i>

(These bye-laws, though they would not now in various particulars be adhered to, are creditable to the good sense of our ancestors. It must be borne in mind, that the lands were generally uninclosed, as they continued to be till long after the middle of the following century.)

Bailies since 1630, Robert Scott and William Scott, Robert Scott, callit of Goldielands, Robert Deans, Gilbert Watt, town-clerk, William Liddel, procurator-fiscal.

“ April 8.—The which day, in presence of the bailies, council, minister, and communitie of Hawick, Robert Scott, callit of Goldielands, was admitted to be conjunct bailie with William Scott at the Crose, quhill (until) Robert Deans, lait bailie, convaleces of his sickness, and quhill ane new election ; who received the same.”—*Council Records.*

1641.

“ The *said* day (8th April), in presence of James Scott, ane of the bailies of Hawick ; compeared James Burne, the other of the said bailies, who being called upon, compeiring, and being

indicted be the procurator-fiscal of Hawick, contrar to the acts of Parliament, and contrar to the acts of the said Bruch, for the alleged bluiding of Margaret Ross, called Nuris, upon the foreheid, to the effusion of her bluid. The said James Burne confessit the bluiding of the said Margaret Ross in the forheid, upon suspicion of witchcraft committed by her partly upon ane bairn that is already deceased, and now upon his wyf, being to all appearance now under the censure of witchcraft upon her life ; quhilk being considered be the said bailie, and *eldermen*, and council of the said bruche, they adjudged the said James Burne, bailie, in ane unlaw of £5, conform to the acts of this town, and to remain in ward, and be punished conform to the acts of the court ; whereupon, the procurator-fiscal asked act of court : qua thereafter was put in the stockis.”—*Council Books*.

“ The said day, Margaret Ainslie, servitrix to Allan Deans, millar, being accused for the stealing of monies fra the said Allan, with false keys, opening of his kists, and stealing out of ane of thame £40 money, with sindry linings and claes ; and being apprehendit, and judicallie accusit, confessit the opening of his kist with false keys, and taking furth thereof nine or ten pundis money, quhilk she declared she had given for wairs to sindries, except 10s., qulk being all wes tuik out of her purse. Denyit the claiths and all uther things.”—*Ib.*



“ The quhilk day, Adam Gowanlock in Hoitt, having apprehendit ane foir meir, quhyt mainet and quhyt taillet, cuming 4 yeir auld, upon the lands of Hoitt, in the hinder end of October last; and having caused proclaim her several tymes at the parish kirk door of Hawick upon Sondays, and at the mercat crose of Hawicke in time of mercat day; and because nane claimit the said meir, the said Adam Gowanlock broucht the said meir to the mercat-crose of Hawick the said day to be apprised, and caused Adam Scott in Yairlside, William Huggan in Wauchop, Robert Armstrong in Chapelhill, and John Aitkin in Hawick, apprise the said meir, quhilks persones apprised hir to 20 mks money; and therefore ordain the said Adam Gowanlock to keep the said meir aye and quhil she be proven to be some others, and payment made for hir keeping; quhilkis premises the said Adam Gowanlock desirit to be insert in the common toun-buik of Hawick.”—*Council Books*.

1642.

“ Decerns Thomas Oliver to content and pay to James Scott, lorimer, 3 half firlots of aitts, eitten by his guids and geir in harvest gane ane yeir, in respect of John Scott, Borthaugh, and James Scott, cadger, their declaration, that they comprised the said corn to three half firlots aits, and in £7 for the boll thereof.”—*Ib.*

“ The quhilk day, in presence of William

Scott and James Burne, bailies of Hawick, being sitting in judgment, compeired Samuel Rutherford, servitor to Sir Wm. Douglas of Cavers, Kyt., Sheriff-principal of Roxbrut, and complained upon Wm. and George Lorraines in Cavers, Robert Wricht in Spittal, John Tudhope, maltman in Cavers, John Wricht in Spittal, Wm. Elliot, tailor in Cavers, Wm. Turnbull, mason in Newton, Thomas Turnbull his brother-german, Thomas Scott, miller in Humelknowe Miln, Jas. Elliot, sone to John Elliot, wag (soldier) in Hawick, Wm. Lyne in Goldielands, Margaret M'Doual his spouse, John Lethane in Hawick, and William Lethane his brother, Archibald Henderson in Kirktoune, and Andro Air, there ; that where the said Samuel Rutherford being in company with the said persones, drinking with them, he wanting his purse with ane key thereat, and ane letter, being £11 money of this realme thereintil, being three 4 merk peices coneyst with the milne rynd, with four 6 shilling peices, and 12 pence, with the rest of small siller, either stolen from him, or else ignorantly lost by him in their companies ; whilk Samuel desirit the said bailies to take tryell anent the said purs, and to take the said persons their oaths of verity upon the knowledge thereof, since the same was in his hand in presence of them all, not suspecting ane mair nor ane uther, in the house of Hellen Turnbull, relict of umquhil James Lethane in Hawick. The said Samuel Rutherford made faith judiciallie, that he had the purs as

said is in his hands at the table in Helen Turnbull's house, and broucht £40 furth thereof.

"Helen Turnbull deponed upon her great oath, that she never saw the purs in his hand, nor knows not thereof directly nor indirectly what way he wanted it, nor how it went.—John Lethane, her son, being solemnly sworn, deponed that he never saw the purs, nor yet knaws na way where it went, directly nor indirectly.—William Turnbull being solemnly sworn, deponed *ut supra*, except he saw him have some monies in his hand, but na purs.—Thomas Turnbull deponed, after he was solemnly sworn, that he saw him have ane purse at the buird, and tuik three forty penny peses in it, and pay ane pynt of aill, but knaws na farther.—James Elliot being solemnly sworn, deponed, that he never saw the purs, nor knaws not what become of it, directly nor indirectly."—*Council Records*.

"The said day, anent the complaint given in by John Lethane against Samuel Rutherford, for the laying of his purs upon him, that he had the same, and desired him with violence to give the purs again. The said Samuel compearing, denied the same, and the said John Lethane produced James Stewart, cordiner, and Hew Elliott, smith, witnessses for proving thereof. Quhilks being solemnly sworn, James Stewart deponed as follows: That he heard Samuel Rutherford say nothing, but he heard John Lethane say, that he bade him give his purs again, and saw

him draw no weapon, nor do no violence.—Hew Elliott deponed, he heard Samuel say to John Lethane, that he wanted his purs, and said John Lethane ..... get it agane to me, or else I will try it with my cauld sword.—John Elliot, wag, deponit, That he heard Samuel Rutherford say, that he thocht nane had his purs bot he, and saw na wapounnes drawn.”—*Council Books.*

“ Quhilk day, Thomas Olipher, cordiner, is decerned in an unlaw and fine of ten pundis money, for giving of unreverent language to the bailies in face of court, and calling William Ruecastell man-sworn in face of court; and to remain in waird during the bailies’ will.”—*Ib.*

“ The said day, Thomas Olipher, traveller, being accusit at the instance of William Liddell, Procurator-fiscal of the toun of Hawick, for contravening of the acts of the said toun, and refusing to come to waird at command of the bailies, and for drawing of *ane sword* to James Burne, bailie, as was proven by James Kinnaird, upon his great oath; therefore was decerned in ane unlaw of £20, and to lie 8 days in the stockis.”—*Ib.*

“ Decerns James Tudhope, William Hardie, cowpar, and Adam Martene, to content and pay to Gilbert Watt, notar-public, five half-firlots aitts, eaten by thair guidis to him in harvest last, in respect of John Scott, maltman, and John

Purdholm, appraisers, their declaration, and the pursuer's oath, that he fed his awin geir, to his knowledge, in £6 for the boll, with 10s. 8d. of expenses equally amongst them."—*Council Books*.

"Decerns Andrew Deans, skinner, to content and pay to Walter Robson, merchand, £8, 18s., after count and reckoning, for skins; mair 19s. 6d. for the inlack of wool sold to him; mair 36s. given to Walter Scott, called Gray, at his command; mair 15s. for sheip skins; mair 30s. for skins coft and receivit by him at Whitsunday last ..... mair 4s. in lent money, upon confession judicially, with 14s. of expenses of pley."—*Ib.*

A party prosecutes another before the bailies "for furnishings of certain acquawyttie and watters coft and receivit by him."—*Ib.*

1643.

"The said day, in presence of the bailies and council of Hawick, the haille wobstaris being accused for usurping the bailies' office, in causing arrest in other hands claith-yarns, or claiths, and being confessed, the bailies and council unlawit ilk ane of them in 12s. to the bailies, and discharged in time coming ilk ane of them not to reill any yarns out of clewis without the sight of the owner, or some uther at their direction, to see the samyn ..... ilk ane that does on the contrary to pay 40s. Scots money."—*Ib.*

“ The said day James Scott, late bailie, made count and reckoning of his intromissions with the contribution that was gathered for the *soldiers at Newcastle* in 1641.”—*Council Books*.

“ The said day, it is statute and ordained that the cordiners shall try this market for insufficient leather and unbarkit schone, and what fines they receive, the ane half thereof shall pertain to the town’s use, and the other half to the craft; and if any riot or complaint be committed, the bailies only to be judges thereof.”—*Ib.*

The county valuation book of this date exhibits the yearly value of the lands in the parish of Hawick as follows :—

	Scots money.
Earl of Queensberry, .	£5424 16 8
Earl of Buccleuch, .	6311 3 4
Walter Scott of Goldielands, .	566 13 4
Robert Scott of Cloak, .	100 0 0
John Scott of Allanhaugh, .	110 0 0
Robert Scott of Falnash, .	1400 0 0
Sir Robert Dalyell, Robert Scott of Hartwoodmill, .	533 6 8
Walter Gladstains of Whitelaw, .	266 13 4
John Scott of Todshawhill, .	133 6 8
Walter Chisholm of Parkhill, .	200 0 0
Walter Scott of Chamerlayne Newton, .	266 13 4
Walter Gladstains of Halysland, .	66 13 4
Eleven small proprietors, .	165 10 0
	£15,544 16 8

Upon the suppression of the parish of Hassen-dean, and creation of the parish of Robertson, in the seventeenth century, a considerable part of Hawick parish was transferred to the newly erected parish of Robertson.

Valuation of Wilton parish at same period:—

	Scots money.		
Earl of Buccleugh, . . . .	£2440	0	0
Margaret Haswell, liferenter of Uttersiderigg, . . . .	360	0	0
Robert Scott of Hartwoodmyres, . . . .	26	13	4
Sir William Scott of Harden, . . . .	814	0	0
Robert Scott of Lack, . . . .	130	0	0
Robert Langlands of that ilk, . . . .	953	16	8
Robert Scott of Headshaw, . . . .	448	10	0
James Scott of Park, . . . .	200	0	0
William Elliot of Stobs, . . . .	260	0	0
Mr Donaldson, liferenter of ane merk of land of Heap, . . . .	39	0	0
	<hr/> £5672 0 0		

A considerable portion of these lands is now within the new parish of Robertson.

The following were the principal landed proprietors in the neighbourhood during the middle and latter part of the seventeenth century.

- Lencie Armstrong of Whithaugh.
- Earl of Buccleuch.
- William Chisholme of Stirkschaws.

Lord Cranstoun.  
Walter Chisholme of Wester Parkhill.  
Andrew Chisholme of Easter Parkhill.  
Sir William Douglas of Cavers.  
William Douglas of Califordhill.  
Sir Robert Dalyell.  
Marquis of Douglas.  
Archibald Douglas of Hawthornside.  
Ralph Davidson of Greenhouse.  
James Elliot of Redheugh.  
Robert Elliot of Larriston.  
William Elliot of Dinlaybyre.  
Archibald Elliot of Midlem Mill.  
Sir William Elliot of Stobs.  
—— Elliot of Lymiecleuch.  
—— Elliot of Carlenrick.  
William Elliot of Philip.  
Gavin Elliot of Uttersiderig.  
Gilbert Elliot of Craigend and Deanfoot.  
Laird of Gledstains, viz. Gledstains of that Ilk.  
George Gledstaines of Dodd.  
Walter Gledstanes of Whitlaw.  
Walter Gladstaines in Halysland, or Hillhouse-  
land.  
Christopher Irving of Binks.  
Andrew Ker of Wells.  
Robert Langlands of that Ilk.  
Walter M'Gill.  
Robert Pringle of Stitchell.  
Earl of Queensberry.  
John Riddell of Muselee.  
Earl of Roxburgh.



William Scott of Mangerton.  
John Scott of Gorrenberry.  
Walter Scott of Goldielands.  
G. Scott in Dockcleuch.  
Walter Scott in Stobitcote.  
Lady Sumington.  
Robert Scott of Cloak.  
John Scott of Langhope.  
John Scott of Allanhaugh.  
Robert Scott of Falnash.  
Sir Gideon Scott of Highchesters.  
John Scott of Todshawhill.  
Walter Scott of Chamerlayne Newton.  
Walter Scott of Harwood (Teviot).  
Walter Scott of Altencrofts.  
Walter Scott of Crumhaugh.  
Sir Francis Scott (of Thirlstane).  
Robert Scott of Horsleyhill.  
Walter Scott of Eilrig.  
Sir William Scott of Harden.  
Robert Scott of Headshaw.  
John Scott of Ormiston, merchant in Hawick.  
James Scott of Park (Wilton).  
—— Scott of Heap.  
John Scott of Briddieyards.  
Robert Scott of Burnhead.  
Walter Scott of Burnfit on Teviot.  
William Scott of Clarielaw.  
Robert Scott of Whitslaid.  
William Scott of Galalaw.  
William Scott of Cowdhouse and Tandlaw.  
Robert Scott of Satchells.

Walter Scott of Whithauche.  
George Scott of Bownraw.  
Francis Scott of Sinton.  
Francis Scott of Castleside.  
Walter Scott of Shielswood.  
Walter Scott of Woll.  
Thomas Scott of Todrig.  
Robert Scott of Burnfoot on Ail.  
John Scott of Clerklands.  
Adam Scott of Hassenden.  
Walter Scott of Alton in Raperlaw.  
Earl of Traquair.  
T. Turnbull of Tour.  
— Turnbull of Tofts.  
Thomas Turnbull of Know.  
Hector Turnbull of Clarilaw.  
Earl of Tarras.  
William Turnbull of Bedrule.  
John and William Turnbull of Minto.  
John Turnbull of Firth.

## 1644.

A burgess, charged with not being present at the riding and meithing of the common, pleads that he was at the *Watch-know*, and is assoilzied.  
—*Council Books.*

Several parties fined for going away to scheir, and ordered to remove fra the town for ane year.  
—*Ib.*

“ 22<sup>d</sup> June.—The quhilk day it is ordainit, at

the command of the General and company, that *three baggage horse* wer to go to the armie out of the town; according to the said direction 3 persons war to furneis ilk ane of thame ane horse or meir, which war appreisit by Ritchie Hardie, wright, ———, William Wright, and Adam Mairtene, as follows:—viz. John Clapper-ton, his horse, to 40 merks, Thomas Wilsone, his naig, to £22, and James Tudhope, his to £32 Scots money, to be pait to them in case the horse come nocht back again, or be lost. Sic lyke, there is comprised ane seck pertaining to Andrew Leyden, to 20s., John Scott, Alton's seck to 16s., and ane uther seck pertaining to William Pater-son, to 12s. Scots money."—*Council Books*.

"Aug. 26.—The said day, in presence of the bailies and maist part of the council, it is statut and ordainit, that na inhabitant within this town of Hawick shall go without the said town to scheir to any person in harvest, or remove fra the said town without licence of the bailies, ilk person under the pain of £10 money, and *perpetual banishment* from the town; and that ilk person shall remain within the said town and scheir, conform to the act of community direct for that efect."—This ordinance renewed in 1655, and masters hiring such servants are fined £6.—*Ib*.

"Compeared the hail Council, and voluntarily of their awin free will renuncit and overgave their quarterings of the soldiers to the town's use, and

agreit that the 200 merks allowit be the Earl of Queensbery, and debursed be the town of Hawick in *reiking out* of the soldiers, in maintenance and arms, should be allowit in quartering of the ten troopers that is to be laid upon the tradesmen and town of Hawick, so lang as the same lasts, and that after ane stent to be made through the hail town for their maintenance, as sall be set down."—*Council Books*.

"The quhilk day, in presence of the bailies and council, the hail comptes for the receipt of the monies for *advancing of the sodgers with their armour*, being all comptit and allowit, rests in the hands of William Liddell, merchant, younger, £83, 7s. money, to be furthcoming to the town's use."—*Ib.*

"The quhilk day, William Elliott in Harret, acted him as cautioner and surety for Jenet Scott, alleged witche, spouse to John Glendinning, called '*Sowtail*,' that she shall compear personally before the Justice-General, or his deputes, or bailies of the regality of Drumlanrig, or their deputes and underly the law, for all causes of witchcraft, or other causes criminal, to be laid to her charge, upon 8 days' warning, as he will be answerable under the panes contained in the act of Parliament thereanent."—*Ib.*

"A party is ordained to pay a fine of ten pounds, and remain in the stockis during the bailies' will,

and to remove from the town for ane yeir and langer, during the bailies' will, for their going in scheiring, by the act of Parliament for that effect."—*Council Books*.

1645.

"The said day, in presence of the bailies, compeared Gilbert Watt, clark, and complained upon James Scott, lorrimer, for injuring of the said Gilbert Watt, in calling of him ane twa facet thief, and ane runnigat beggar fra toune to toune, (alluding probably to his being Clerk of Circuit), and ane false unhonest thief,—the said James Scott compearing, being referred to the said James his oath, who refused; and thereafter referred to the said Gilbert Watt his oath, who deponed solemnly that he abused him with these words, and many mae, contrary to the acts set down, for abusing of the clark be sic language."—*Id.*

"The said day, Allan Deans, traveller, being accused for not being at the riding and meithing of the common, upon the 24th of May 1645, compeiring, confessit he was at the Watch-Know, assoilzied him of the penalty and fine, and actit himself gyf ever he do the lyk he shall pay the double of the penalty, conform to the act, and double punishment."—*Id.*

"Three persons are fined respectively, £6,

£3, and 4 merks, for contravening the acts, in going to Edinburgh *without license*, upon confession thereof,—ane *dollar* allowed to the officers,—two of the partie to lie in ward quhill the morne, and langar quhill they pay the fine, and the other to remain eight days in ward, and langar quhill he pay the dollar.”—*Council Books*.

1646.

“Decerns Walter Chisholm, merchant, to pay £5, for his fine, in contempning the bailies’ ordinance to go and convey James Elliot, sodger, to Jedburt to his *cullors*.”—*Ib*.

“The quhilk day the haill inhabitants being all convenit within the *kirk and kirkyard* of Hawick, for election of twa bailies, who, dividing themselves, removing apart, after maniest votes, elected, &c.”

(*Here follow the names.*)

1648.

“A party convicted of stealing peats, is ordained to pay the bailies £10 for each of the three stouths, and to go to the stocks.”—*Ib*.

“*Dec. 15.*—The whilk day, in presence of James Burne and John Scott, bailies of Hawick, the persons under-named were elected and chosen to be counsellors within this burgh, to assist the bailies in the town’s affairs, that is to say,—William Scott at the Crose; Robert Scott, Goldi-

lands; Robert Deans, lister (dyer); John Clark; William Liddell; William Ruecastle; John Richardson, notar; Walter Chisholme, Robert Wricht, smyth; Robert Gillespie, smyth; James Scott, lorimer (sadler); Walter Purdom; Walter Scott, West Port; John Scott, Ormiston; and William Briggs, webstar."—*Council Books*.

"The whilk day, with consent of the bailies, council, and communitie of Hawick, it is actit, statut, and ordainit, that no personne sall bruick the office of bailliarie longer nor the space of twa years together, and sall not be put in leitt for ane year efter the twa years, and this act to stand guid in tyme coming."—*Ib.*

1649.

"The said day, Symont Aitchison and James Clapperton were chosen collectors of the *stent* of the east wattir; David Badie and Robert Ruecastle, younger, collectors for the west side of the wattir."—*Ib.*

"Decerns Thomas Olipher in ane unlaw of 6s. for ilk nolt of six nolt that he has kept in the infield, and as meikle for ilk nolt that lies out of the night in his neighbour's corn or haynet gers.—*Ib.*

1650.

"Decerns Walter Scott in ane unlaw and fine of £10, for the striking up of Thomas Broun his

dure, in the night, and desiring him to cum out for his hanging."

Bailies since 1640 :—Robert Scott, callit of Goldilands ; James Scott ; James Burne ; William Scott, at the Crose ; Robert Deans ; Gilbert Watt, *T.C.* ; Walter Chisholm, *Prör.-Fiscal* ; Robert Cunningham, *Parish Minister*.—*Council Books*.

" A party is fined £10, and to remain in waird during the bailies' will, for calling Gilbert Watt, Toun-clerk, ane *suckler*, and for other injurious words."—*Ib.*

1651.

" A party is decerned to pay 4s. Scots *per day* for *work wrought* to him."—*Ib.*

" The quhilk day, in presence of the bailies and council of this burgh, who all after maniest votes condescended and acted, statut and ordainit, that whatever person within the toun has any of the *English army* quartered on them, should only have for ilk trooper, in the twenty-four hours, 30s. Scots, for entertaining of horse and man, fra the 21st of Febrv to the 6th of March, being twelve days, and thereafter to ..... expire, this act ; with this addition, that the person that has thame quartered shall contribute with the rest."—*Ib.*



“Robert Olipher, cordiner (elsewhere called Lord Olipher), is ordained to pay £5 to the bailies, for disobeying them, by refusing to go to be ane gyd to the Inglis to Langholm” (honest Clint-head!).—*Council Records*. (These were probably the soldiers of Cromwell, on their way to England from Scotland, where they had practised great cruelties.)

“The bailies adjudge Robert Inglis, maltman, to pay £30 to the town’s use, because he was not burdened with quartering the *English army* in February and March last.”—*Ib.*

1652.

Died, Francis, second Earl of Dalkeith, a firm friend to the royal family, for which, after his death, Cromwell imposed the heavy fine of £15,000 sterling, upon his heirs.

“Assoilzies Thomas Olifer, traveller, fra the claim persewit be John Scott, merchant, for payment to him of £6, 10s. worth of tobbaeco pypis, broken be him in carrying of thame out of Edinburgh; and for payment to him of £6, 10s. worth of hott waters, and aucht merkis worth of powder, and aucht merkis worth of quhyt sugar, allegit promiseist be him to bring haill, saif and sound to Hawick, quhilk he brak, drownet, and lossit be the way. Qpon (whereupon), the defender’s aith, given judicillie, that he had only the carrying of thame, and never promiseist to bring thame

saif and sound to Hawick, and did thame na wrang be the way. Qrpon, Thomas Olipher askit act of Court."—*Council Records*.

The burgh's two charters, and extract thereof, under the hands of the Clerk Register, with informations for advocates in Edinburgh, of the privilege of the said charters, and freedom of Hawick, are delivered over by the widow of the deceased custodier to the newly appointed custodier thereof.—*Ibid*. (It is to be regretted that these *Informations*, which would have shed light on the early history of the burgh, are not extant.)

1655.

A town treasurer is elected, apparently for the first time, "for ingathering of the *monies fra the burgesses and others* pertaining to the town."—*Ib*.

"A party is decerned to pay 16 pense for ilk stane of *wool* weighting."—*Ib*.

"Decerns the said Robert Rewcastell to pay the said Walter Stavert four merkis, borrowed when he went from Glasgow to Edinburgh, and 7s. Scots for a leg of mutton."—*Ib*.

"Assoilzies George Makwetie fra the claim persewit be John Scott, pethar, for a half dozen of butes, mae or fewer, allegit taken away fra his crame in Hawick."—*Ib*.

“ A party is decerned to pay to Robert Reu-castell, traveller, 44 shillings, for *carrying of ane pack of wool* to Edinburgh ; mair 24 shillings, for horsing of him from Edinburgh to Hawick, and in 9s. Scots for ane dry killit fische.”—*Council Records.*

Aug. 16.—The Council enact, that “ all hennis, cockis, and caponnes, be cuttit and schorne in the wing, and all young foulis be cuttit in the foir toe, and gyf any be fund uncuttit in the wings and toes, it shall be leasome to any to kill or slea them without any satisfaction or payment, besides payment of 30s. Scots from those that keep thame uncuttit.”—*Ib.*

1656.

Two persons are appointed to *search* the meal-market weekly, and what corns they find insufficient, be the same meill, beir, or other corns (no mention of wheat), shall be confiscate.—*Ib.*

Martin Elliot is decerned to pay to John Lethane 30s. Scots for his absence from his service for 5 weeks, and assoilzied from £4 claimed for the *Trooper* coming to the said John Lethane.—*Ib.*

1st October. — On balancing the Treasurer's accounts for his “ intromissions with the *Burges Silver*,” he is found to have on hand £83 Scots.—*Ib.*

The Burgess money and fines imposed on delinquents, seem to have been then the only regular sources of income.

1657.

The quhilk day, in presence of the Bailies and maist part of the Council convened, it is statut and ordained, "that the *Wobstairs* shall receive the town's work, and refuse none of the town's work; ilk ane that refuses under the pane of £4 Scots, to be paid to the Bailies of fine for their refusal; and gif any wobstar spillis, and makes not sufficient work after tryell, under the pane of £10 to the Bailies, and satisfaction to the party owner thereof."—*Council Books*.

Robert Howitson is ordained to pay Mr Walter Marteine, *Scholo-master* in Hawick, 19 merkis Scots for byegane quarter wages due to him for teaching of his sons in the schole several quarters byegane.—*Ib.*

1658.

James Liddell is electit Town-clerk by the Bailies and Council during their will.—*Ib.*

1659.

John Stobo, traveller in Kelso, engages not to trouble nor molest our market, in buying either butter or cheese *before the bell ring* for that effect, under the pane of £10, and continuing in ward.—*Ib.*

Andrew Tunno elected town-clerk.

1660.

Bailies since 1650, William Rucastle, Walter Chisholm, James Burne, Robert Deans, eister, John Scott, maltman; Gilbert Watt, James Liddel, and Andrew Tunno, town-clerks; John Scott, parish minister.—*Council Records*.

The weaver craft having fined John Brown for taking but “ten pennies (five-sixths of a penny sterling), for weaving of the elne of cloth against their will;” the bailies inflict a fine of £6 Scots on the craft, except Brown, payable to the town.—*Id.*

*April 27th.*—“Walter Chisholme, bailie, took instruments in the hands of me, notar-public under-subscribing, that he wold not condescend to any actings of the town council that were not agreeable with the acts contained formerly in this book, anent the question of neighbourhood for theiking, betwixt him and James Thorbrand.

(*S. s.*) “A. Tunno.”—*Id.*

*At Hawick, 28th April 1660.*—“The hail council being convened within the Tolbooth, viz., William Scott of Horsliehill, &c. &c., did all unanimously, *una voce*, act and ordain Walter Chisholme (Laird of Stirkshaws) to give over his office of baillzarie, and to act nothing as ane

bailie within the brughe until he be reinstalled againe be the said council.”—*Council Records*.

*At Hawick, the 28th April 1660.*—“ The fore-said haill counsellors being convened within the Tolbuith thereof, did all with ane voice statute and ordain, that every inhabitant within the brughe shall have liberty to tur and theik, and sett ane ladder in his neighbour’s close or yaird where they cannot win to tur and theik, and sett ladders on their awin ground ; and where there sall be ane necessity to sett ane ladder in ane lint or kaill-yard, the party skaithed is to have satisfaction at the sight of any two of the councillors ; and that everie neighbour that hes onie house to build sall have libertie to sett scaffolds upon their neighbour’s ground, and ane time appointit them be the council to build the house in ; and the contraveners heiroyf, to pay £20 to the town, and imprisoned eight days ; and for the second contravention £40, and fifteen days warding.”—*Ib.*

Stentmasters appointed to stent the inhabitants for the schoolmaster’s wage.—*Ib.*—(This is the first recorded instance of a *stent*, but the practice was probably of an older date.)

1662.

The council nominate Walter Chisholme of Stirkshaws, &c., to stent the town in £100 for

discussing the suspension against the town of Jedburgh.—*Council Records.*

“ Act of the town council anent the merchants, 28th July 1662.—The hail council having taken into their consideration the wrong and abuse committed by the merchandes and others of the burgh of Hawick, upon the fair days, against merchants strangers that come in the fair days to the burgh, and other weekly market days, do hereby ordain every merchant in Hawick to take up no more room on the fair days or weekly markets, than the length of ane fir dail, and that nane within the burgh take money fra ony merchant for libertie to stand before their doors, under the pane of 40s. *toties quoties* (each offence); and that none within the town take or mark any stands for any, but that every man mark his awin stand, under the foresaid penaltie.”—*Ib.*

1663.

The fleshers are ordained by the council not to sell skins until they shall first be exposed in the market place, under the pane of £10; and all persons within the burgh not to buy the skins fra the fleshers, until they present the mercat with them at the cross, under the pane of £10, to be paid both by the buyer and seller.—*Ib.*

1664.

Alexander Kinnear, minister of Hawick.

1665.

" Anent the alleged wrong done be Marion Gillespie to Walter Lorane, in pulling the hair out of his heid, being referred to the pursuer's oath, whether or not she did pull out his haire, made faith affirmativè."—*Council Records*.

" Anent the alleged reproachful speeches, spoken against Bailie Deans be Bessie Douglas. James Scott, litster, witness sworn, deponed, that he heard Bessie Douglas say, that Bailie Deans was made bailie out of pity, and that the yard pertaining to John Pasley was not truelie marched.—*Ib.*

A party is fined £10 to the bailies, and £10 to the town, for alleging that the bailies were not honest men in fining him as they did.—*Ib.*

The tailors supplicate the council to prohibit unfreemen from working within the town, and for power to pass a bye-law for punishing such persons. The prayer is granted, and power is also given to them to choose two quarter-masters and an officer, with this provision, " that they sall have no power to make their own prices for their work."—*Ib.*

17th November.—The inhabitants are forbidden to cross the border of Scotland to England, during the suspicion of the plague in England, or at the least in Northumberland, " until ane freedom



for that effect be proclaimed at the market-cross of Jedburgh."—*Council Records*.

1669.

John Langlands, parish minister of Hawick.

A party is fined because he did drink the *militia* confusion.—*Ib*.

On the supplication of William Lord Drumlanrig, the Scottish Parliament authorise two additional fairs, to be held at Hawick yearly, on 6th May and 10th September.—*See Appendix, Note 7*.

The Parliament at same time grant a remit in his Lorship's favour for rectifying his valuation of the barony of Hawick, which is stated to be valued at a most exorbitant and unreasonable rate, far exceeding the valuation of any other land in the shire.—*Thomson's Acts*, vol. vii. p. 661.

"The haill council being convened, compeared Mr Patrick Cuninghame, burgess of this brughe, and band and oblied himself, that hereafter he sall not sit in judgment seat in the *Baron's Court*, under the pane of losing his liberties of the said brughe, and refers himself in the bailies' will and council."—*Council Records*.

(The ordinance of 1640, which prohibited the inhabitants from prosecuting parties in any other than the burgh court, seems to have been con-

strued as by implication disabling them from sitting on the bench in any other court.)

A woman is fined for saying of Bailie Thorbrand, that "the jogges was mair fitting for him nor hir."—*Council Records*.

1670.

Bailies since 1660, Robert Deans, James Laing, James Burne, Walter Purdom, James Gledstains, James Thorbrand; Andrew Tunno, town-clerk; John Scott, John Brown, and William Pasley, procurators-fiscals.—*Ib*.

It appears from various criminal convictions, that it was customary at this period for men to carry swords.

May 6th, a Fair day.—June 24th, Midsummer Fair.

An action is raised before the bailies, at the instance of the tacksmen of the Mills of Hawick, against several parties for "abstracted and dry multures," who are assoilzied.—*Ib*.

The council resolve that the fines (with some exceptions) exacted by the bailies, shall be applied to the proper use of the burgh.—*Ib*.

1672.

"Hew Elliott, smythe, in Newmylnes, in Slit-

rig, is admitted a burgess, *gratis*, by the importunity of ane person of quality."—*Council Records*.

1673.

The (above) act of 1670 recinded, and the council "unanimously resolve that such fines shall properly appertain and belong to the two present bailies of this brughe for the time, conform to the ancient pratique of this burgh since the first ryse and beginning of magistracy within the same."—*Ib.*

A woman is fined "for bidding Adam Turnbull hang himself, and calling him ane land loppon lowne."—*Ib.*

1674.

A party is fined "for giving unraverent language to the present bailie, and calling him *witches gait*."—*Ib.*

The council impose a stent on the inhabitants for expeding the affairs of the burgh.—*Ib.*

A party is fined for pursuing another before a different judge than the bailies.—*Ib.*

John Scott is fined "for abusing and taking away of the bailies their good name, by calling them *robbers*."—*Ib.*

"William Hall and his family are banished from the burgh, in regard he did, in a most hos-

tile manner, draw ane *sword* and run at Walter Purdom, present bailie, and offered to shoot him with ane *pistol*; and because they are vagabond Egyptians, and also in obedience to the *minister and session*, their desire."—*Council Records*.

"William Turnbull is elected town piper, and directed at even and morn and other *solemn occasions*, to go through the town with the drum. Salary £13 : 6 : 8 Scots.—*Ib.*

A party is fined for disobedience to the magistrates, in respect they did ordain him to give his horse to bailie Purdom, to ride to Jedburgh about the town's affairs, which he refused, and obstinately disobeyed the said decree.—*Ib.*

1675.

"John Scott is banished from the town and burgh, and to lose his freedom in time coming, because of several thefts committed by him, whereof he stands guilty in this book."—*Ib.*

James Holme, from Kelso, is fined for alleging that John Beattie, in Wattcarrick, had stolen from him, out of the *plant market*, 3000 plants, which he could not make out, and which were found to have been bought from other planters.—*Ib.*

"John Fiddes, from Jedburgh, is fined for fore-stalling the market, by selling loaves at ane dearer

rate than others of the same syse.”—*Council Records.*

Winter fair held on 28th October.

“T. Lun, merchant, is fined for disobedience to the bailies, in not coming to the *night watch* when he was charged to do so.”—*Ib.*

1676.

“Mr Patrick Cunningham is fined for reproachfull language against the bailies, in saying that in spite of them, and they were hanged, they should not poind him upon their decret, and that he had been £1000 out of their way already, and would be another, and would make them stand where they should tremble.”—*Ib.*

“Mr Cunningham is fined for deforcing the officers with ane *collraicke.*”—*Ib.*

(This is the first mention of coal.)

The quarter-masters of the weaver trade complain upon two of their craft, that, contrary to the seal of cause granted by the bailies and council to their trade, the parties complained upon had appealed against a fine, for disobedience to the trade, of four groats to the bailies, and eight pence to the quarter-masters, to Robert Scott of Horsliehill (probably the bailie of regality), and not to the bailies of Hawick, for which they are fined.—*Ib.*

A fair is held on 10th September.

1677.

“Falnash (bailie-depute of the regality) confessed the *striking* of Walter Hardie, and came in the bailies’ will.”—*Council Records*.

*October*.—James Chisholm, laird, is fined for removing the march-stones betwixt him and Mr Patrick Cunningham, and giving unreverend language to the bailies in a fenced court.—*Ib*.

*Nov*.—The bailies and council promise to assist the bailies in the matter of ane *oppression* alleged committed by them on James Chisholme, conform to the tenor of summons raised against them before his Majesty’s privy council.—*Ib*.

*Sept. 10*.—The quartermaster of the shoe-maker trade tried the market, to find if the shoes were all of sufficient barked leather, and reported that, if permitted, he might find *Jacke about*, which doth imply only two soles, whereas there is apparent three without, which they said was not the custom to search too narrowly.—*Ib*.

“Robert Payslay, for abusing of the market, and keeping of the *honest* men from selling of their shoes, is ordained to remain within the Tolbooth during the pleasure of the bailies.”—*Ib*.

1678.

A party is fined by the bailies for giving summons to another before the Commissar.—*Council Records.*

“Walter Hardie was unlaured for giving unreverend language against Westport (Walter Scott, one of the bailies), in saying that Westport would be *hanged*.”—*Ib.*

“Michael Trumble, cuper, was amerciatt by the bailies, conform to the acts of the towne, and that in ane bloodwyt, in respect the said Robert Broun had his face very lyke to his good dame, and calling her witch, and him witches-gate,—John Trumble, in ane ryott committ upon the said Robert Broun,—and Robert Trumble, in ane blood upon him, for nae other cause but because the said Robert Broun, after all the three brethren, especially Michael, first had casten up his good dame to him, and called him witches-gate, answered, that they might hold their peace of that, for it was reported their sister was ane of that sort.”—*Ib.*

1679.

“Aug. 25.—George Hall is convicted of ane blood, and farther ordained to pay Robert Scott 5s. Scots *per day*, in respect his arm was swollen by the stockis, and he could not shear.”—*Ib.*

The quartermasters of the tailors are convicted

by the bailies of making an act not to work out of their own houses, and fined therefor.—*Council Records.*

“ James Scott, called Pedee, is fined for ane great disobedience to the bailies, in keeping fast the house against them when they desired entrance only upon some great emergency concerning the town, and would upon no persuasion open, but gave them opprobrious and irreverend language, and sicklike this day, not only in high contempt of the bailies and their authority, did chain bailie Gladstains’ barn, and would not, when divers times commanded, open the same, till they were necessitated to bring fore hammers to open the same, but also when he came out did make resistance, and, by flight, laboured to make his escape, and after he was retaken would, neither by foul nor fair means and motives, be persuaded to go to the Tolbuith, till the bailies themselves and officers were forced to carry him, and to charge others of the inhabitants to their assistance, the verity whereof is too notour to all that part of the town.”—*Ib.*

1680.

“ Oct. 8.—A party is fined for away taking six gang of divatts off the common of Hawick, which were casten for the use of the *common kill*.”  
—*Ib.* See *postea*, 1729.

Bailies since 1670.—James Laing, William



Scott, docter, Walter Scott, James Scott, Ormiston, James Thorbrand, Walter Purdom, James Scott, litster, Casaend, and James Gladstains; Andrew Rutherford and Walter Gladstains, town-clerks; William Scott and James Deans, procurators-fiscal; John Purdom, school-master.—*Council Records.*

1681.

The bailies, and apparently the whole council, subscribe the following test, that “ they judge it unlawful for subjects, upon pretence of reformation, or any other pretence whatsoever, to enter into covenants or leagues, or to convocate, convene, or assemble in any councils, conventions, or assemblies, to treat, consult, or determine in any matter of state, civil or ecclesiastical, without His Majesty’s special command, or express licence had thereto, or to take up arms against the king, or those commissioned by him, and that they shall never so rise in arms, or enter into such covenants or assemblies, and that there lies no obligation on them from the National Covenant, or the Solemn League and Covenant,” &c.—*Ib.*

It is evident, from various entries about this date, that the council were by no means prepared for martyrdom in the cause of the covenant. They were, probably, acting under the influence of James, Duke of Monmouth and Buccleuch, who was commissioned to suppress that party.

1684.

William Laing, in Hawick, was ordered to be transported to America by his Majesty's Council, for the pretended crimes of rebellion and harbouring of rebels. This was during the persecution. *See Crookshank's History of the Church of Scotland.* The same author states, that John Scott of Hawick, and others, had been obliged to retire to England (in 1676), where they were very useful in Cumberland and Northumberland, reclaiming sinners, and instructing many who scarcely ever had the gospel preached among them before. Alexander Orrock, afterwards minister of this parish, suffered imprisonment during the same period.

The tailors and weavers supplicate the council for the benefit of the *Test*, which was granted, and immediately thereafter they all took the same upon their knees, by repeating the same after the clerk, word by word.—*Council Records.*

1685.

“*June 15.*—The quhilke day, in presence of Sir William Elliot of Stobbs, as lieutenant of the Earl of Lothian's troope, and commissioned for this effect, compeired the persons following:—viz. Archibald Baptie, in Blackcleuch, William Elliot, in Carritridge, William Nichol, there, William Taylfer and Thomas Pott, both in Howpasley, John Dalgleish, in Carsope, Walter Ballantyne, in Berrybush, James Fletcher, in

Belenden, and John Duncan, a traveller; and did take the test and oath of abjuration, and further enacted themselves to live orderly, and not frequent house and field conventicles hereafter. (Signed) W. ELLIOTT."—*Council Records*.

1685.

Adam Young is fined for calumniating bailie Scott and his son, in asserting, that "they either had taken or reset the growing pease taken by some of the pedees of the gentlemen of my *Lord Airlie's troope*."—*Ib.*

"The town council agree that bailie Layng, &c. should have farther relief of 200 merks paid out by them as the price of building the *steeple loft*, £100 Scots out of the fore-end of the 18 pennies gathered for the militia money 1685."—*Ib.*

A party is fined £10 for disobeying the bailie when called on to ride with a prisoner to Jedburgh, when the bailie was required thereto by the sheriff, and for his contumacious language given to the bailie.—*Ib.*

"*Aug. 9.*—George Deans was amerciate for disobedience given to bailie Laing, in refusing to go to the tolbuith when charged by him thereto, for refusing to go to Galashiels with ane express from *Colonel Graham of Claverhouse*, and in giving unreverend language, and menacing him with ane great stone in his hand."—*Ib.*

(Honour to the memory of George Deans !—  
From this conviction it appears that Claverhouse  
had been at Hawick, and in favour with the  
authorities.)

“ Robert Wright, *late bailie*, is fined for abusing  
the present bailie, by hanging of him, and calling  
him drunken sott and logerhead, and further  
fined £10 for refusing to go to the tolbuith for  
the said abuse, when charged thereto.”—*Council  
Records*.

James, Duke of Monmouth and Buccleuch, is  
executed. He was the first husband of the Lady  
Anne Scott, surviving daughter and heiress of  
Francis Scott, Earl of Buccleuch, superior of the  
burgh.

1686.

At the Criminal Court, Edinburgh, the King's  
Advocate insisted on the forfeiture of the Duke  
of Monmouth and Buccleuch, who was found  
guilty of three points of treason, namely, for the  
invasion, for the assumption of the Crown, and  
for touching persons who were afflicted with the  
*scrofula jure coronæ*.

The counsel for the injured Duchess declined  
to act, but protested that the doom against her  
husband should not prejudice her just right to her  
own estate. The fee of Buccleuch, it was thought,  
could not be forfeited for his fault, as his lady  
and children had the right, while he had only

his life in the estate.—(*Lord Fountainhall's Abstract.*)

This was the most critical event in the history of the Buccleuch family, as the estates were, notwithstanding of Fountainhall's remarks, undoubtedly forfeited. They seem, however, to have been immediately restored.—*See Appendix, Note 8.*

### 1686.

It is believed an Episcopal Chapel existed here about this time. A dwelling-house in Kirkwynd is supposed to have been part of the original structure.

The Hammermen *incorporated by an act of the Town Council*, with power to try the sufficiency of their respective trades as smith, wright, and cooper work, at either fair or market, and fine and punish accordingly. It is stated in their supplication, that the weavers and cordiners had been previously incorporated.—*Council Records.*

Walter Hardie is fined for speaking reproachfully of the minister of the town before bailie Laing.—*Id.*

George Turnbull in Doveshaugh, is fined "for having seedie and insufficient meale in the market, being about ane gouping of seed sived out of half ane pecke of his full sacke."—*Id.*

1688.

A party is convicted of an assault on a *chimney digther*.—*Council Records*.

“ Janet Leydon and Bessie Wilson are each fined £10 for giving unreverent language to Bailie Scott, when he was *oultreiking* his Majesty's Militia.”—*Ib.*

“ James Lands, *journeyman baxter*, is convicted of breaking ane timber bynke.”—*Ib.*

“ George Scott is fined £20 Scots for deserting the town when the Militia was listing.”—*Ib.*

Robert Scott is fined £100 Scots, “ for fleeing and deserting the town when all persons were liable to have been charged for throwing at the dyce and drawing of balotes (ballots).”—*Ib.*

1689.

William Douglas is fined “ for ane *exhorbitant marriage* with Thomas Lun's daughter, contrary to the 14 act of Parliament of Charles 2d.”—*Ib.*

Robrt Hod is fined £100, “ for his irregular marriage in England, the parties' whole goods sequestrated, and themselves banished the town in all time coming.”—*Ib.*

Alexander Orrok is Parish Minister.—*Ib.*

A party is fined "for having declared in face of honest gentlemen, that Robert Wright, one of the two present Bailies, was but ane basse kniffe (knave), and that William Scott, the other present Bailie, had no power to sit in judgment, or hadd courts at this time."—*Council Records*.

1690.

"Robert Wright, cordiner in Easter Burnfoot, is admitted Burgess gratis, in respect it is the custom of all towns, that the Provost or other Magistrates have the liberty to create 2 or 3 Burgesses gratis."—*Ib.*

Hawick turned out its quota of men to resist the demolition of the kirk of Hassendean. Douglas of Cavers, the Sheriff, aided by the *posse comitatus*, however, overpowers the unruly assemblage, and accomplished its destruction. For this proceeding, the Sheriff was threatened by the crowd with the judgment of Heaven, a circumstance to which Leyden thus alludes in his *Scenes of Infancy* (Part 2.)—

"Then circles many a legendary tale  
Of Douglas' race, foredoom'd without a male  
To fade, unblest'd, since in the churchyard green,  
Its Lord o'erthrew the spires of Hazeldean."

Contemporary poetry lent its aid to perpetuate the event, of which the following is a specimen:—

“ First came Todrig,  
Then came Woll,  
Last came Whitalade,  
The Chief of the Water Ail ;  
Then came Alton,  
And the Wives of Briddieyards,—  
They’re a’ away to Hassendean,  
And left their woo and cairds.”

There is a drawing of the ruins of Hassendean church in *Cardonell’s Antiquities*, plate 3.

Bailies since 1680, William Scott of Brier-yards, James Scott called Ormiston, James Deans, William Lang, Robert Wright, Walter Glad-stains, Town-clerk.—*Council Records*.

1691.

John Gardiner is fined £10, “ because he, when cited before the Bailies, out of high contempt for their authority, did run his way down the tolbuith stairs.”—*Ib.*

1692.

James Halliday is fined “ for publicly selling up and down the town ane carcass of swyne which was *leprous*, and consequently dangerous to be made use of.”—*Ib.*

John Scott of Woll, and Gideon Scott of Falnash, are Chamberlains to the Duchess of Buccleuch.—*Ib.*



In a process of marching, the decerniture is to the effect, "that the said William Paterson may have the better and mair free passage with *packs of wool*, and leading out of his mucke."—*Council Records*.

1693.

Robert Scott is fined "for ane riot on Euphan Rutherford, servitrix to Mr Francis Scott, late minister at Hassendean, by striking her with ane rung, and breaking of her mistresses rocke when she was spinning there, as neighbours use to do in each others houses."—*Ib.*

"Lyke as the pure wyffe quhilk at euin had raik  
Hyr ingill, risis for to bet hir fyre,  
As sche that has nane uthir rent nor hyre,  
Bot with hyr rok and spinning for to thryffe,  
And therewith to sustene her empty lyffe,  
Hir day work to encres, or sche may se  
Thartyll ane part of the nycht ekis sche,  
And at the candyl lycht hir handis tway,  
And eik hir pure damesellis as sche may;  
Naithly exerces for to wirk the lyne,  
To snoif the spyndyll, and lang thredes twyne,  
Quharby sche nicht sustene hir powerte."

DOUGLAS, *Æneid*, Book 8.

William Scott is Baron Bailie of the Regality of Hawick.—*Ib.*

The Tolbuith is stated to be ruinous.—*Ib.*

The Scottish Parliament pass an Act ratifying and confirming all the possessions of Anne Duchess

of Buccleuch, including the Burgh of Barony of Hawick.—*See Appendix, Notes 8, 9.* (The Barony had passed from the Drumlanrig to the Buccleuch family after 1669.)

Walter Ruecastle is fined by the Bailies £50, “for calling the Regal Bailie ane false judge, and saying that seeing he was neither in his own house, nor in the seat of judgment, he might not only whistle words at him, but also exchange blows and cuffs; and for having fallen upon the said Bailie and rugged and rave the hair off his head; Walter is further ordained to go to the stocks, and therein to continue during the said Regal Bailie his will and pleasure.”—*Council Records.*

Two persons are fined for violently, and in wrath, struggling with each other, and ane of them thrusting the other over the studie stocke.—*Ib.*

Walter Scott's wife being found guilty of stealing “ane little new pan; ordained by the Bailies to go to the stocks, and remain there till Thursday first, and there, in public market time of day, sit at the Crose for two hours with the pan about her neck, and pay £20 for such ane notorious theft.”—*Ib.*

1694.

The Skinners and Glovers are incorporated by an act of the Town-Council.—*Ib.*

Walter Scott, of the sort of Scotts of Rober-towne, commonly called the Buttermen, binds himself and wife instantly to leave the town, in case at any time thereafter the least stooth, "if but the worth and value of ane horn spoon, be laid to our charge and proven."—*Council Records*.

"Two persons admitted burgesses *gratis*, in respect they went out as *militia hired men* for the said town."—*Ib*.

"The Town-treasurer gives in his account of the *levy-money* for the soldiers in 1694, for 252 men within the town of Hawick, and 8 men out of Flex, amounting to £386, 6s. Scotts, and which sum was necessarily and truly debursed by him, for hiring and fully *oultreiking of the said soldiers*."—*Ib*.

"Bailie Richardson settles his account for all that he has paid for the town's use, for great bell, little bell, steeple, and tolbuith, and all other things, being £38 : 19 : 6 Scots."—*Ib*.

"The bailies approve of ane little hand-bell for the use of the town, and *allow* the burgesses to pay six pennies Scots (a halfpenny) for each time the same goes through the town."—*Ib*.

The Council enact, "that every person who stented themselves for founding and casting of the great bell of new again (when it was rent and

of new founded in 1693), should be enrolled, and what every one paid, being as follows. And that the bells, neither the great bell nor hand dead bell, should go or ring for no other person, neither in town nor landward, but those and their heirs and successors who have paid.

Francis Gladstains of Whitlaw, gave timber for building of the tolbuith, and mounting of the steeple where the bell hings, to the worth of	Scots money.		
	£40	0	0
Goldilands, elder, . . . . .	3	0	0
Goldilands, younger, . . . . .	4	0	0
James Deans, present baylyea, . . . . .	4	0	0
Patrick Richardson, present baylyea, . . . . .	4	0	0
Walter Gladstains, town-clerk, . . . . .	4	0	0
Wm. Scott of Harwood, apothecary, . . . . .	4	0	0
Walter Purdholm, late baylyea, . . . . .	4	0	0
James Scott, Ormiston, late baylyea, . . . . .	4	0	0
Wm. Layng, late baylyea, . . . . .	4	0	0
Robert Olypher, cordiner, . . . . .	4	0	0
Alexander ———, taylyor, . . . . .	4	0	0
John Trumble, candlemaker, . . . . .	4	0	0
James Scott, litster, late baylyea, . . . . .	3	0	0
Robert Wright, late baylyea, . . . . .	3	0	0
Francis Elliot, . . . . .	3	0	0
Walter Graham, merchant, . . . . .	3	0	0
John Scott, Ormiston, . . . . .	3	0	0
Thomas Waugh, . . . . .	3	0	0
Robert Scott, candlemaker, . . . . .	3	0	0
John Scott, carrier, called soldier, . . . . .	3	0	0
Robert Allan, cordiner, . . . . .	3	12	0

	Scots money.
Robert Trumble, weaver, . .	£3 0 0
John Scott, taylyor, . .	3 0 0
Andrew Jirdin, weaver, . .	3 0 0
Michael Trumble, couper, . .	3 0 0
Adam Roucastle, merchant, . .	3 0 0
Walter Layng, do. . .	3 0 0
Thomas Briggs, flesher, . .	3 0 0
Walter Trumble, at the East Port, . .	3 0 0
William Scott, late baylyea, . .	2 0 0
Walter Gladstains, wright, . .	2 0 0
Robert Brown, merchant, . .	2 16 0
James Chisholm, laird, . .	2 0 0
Wm. Patterson, merchant, . .	2 0 0
Walter Gladstains, taylyor, . .	2 0 0
John Tudhope, flesher, . .	2 0 0
John Scott, shoemaker, . .	2 0 0
William Rutherford, weiver, . .	2 0 0
William Trumble, merchant, . .	2 0 0
Walter Olipher, do. . .	2 0 0
James Weims, do. . .	2 0 0
John Aitken, carrier, . .	2 0 0
William Aitken, do. . .	2 0 0
Robert Hardie, merchant, . .	2 0 0
William Scott, merchand, . .	2 0 0
John Binnie, taylyor, . .	2 16 0
James Halyday, flesher, . .	2 0 0
John Weillands, baxter, . .	2 8 0
Robert Scott, flesher, . .	2 0 0
Andrew Trumble, mason, . .	2 0 0
Wm. Garner, gardoner, . .	2 0 0
Thomas Lun, merchant, . .	2 0 0

	Scots money.
Thomas Scott, laird, . . .	£2 0 0
Patrick Briggs, . . .	2 0 0
Henry Halyburton, wright, . . .	2 0 0
Walter Scott, smith, . . .	2 0 0
Andrew Clarke, . . .	1 0 0
Robert Pasley, cordiner, . . .	2 0 0
John Swan, elder, weaver, . . .	2 0 0
John Swan, younger, weaver, . . .	2 0 0
Robert Scott, carrier, . . .	1 10 0
John Scott, carrier, . . .	1 10 0
George Scott, merchant, called greina, . . .	1 10 0
John Scott, smith, . . .	1 8 0
William Douglas, merchant, . . .	1 10 0
John Gladstanes, carrier, . . .	1 10 0
Robert Cowan, wright, . . .	1 10 0
Wm. Gladstanes, taylyor, . . .	1 10 0
Maryon Burne, widow, . . .	1 10 0
James Patterson, merchant, . . .	1 10 0
Wm. Veitch, wright, . . .	1 10 0
Andrew Pourteous, shoemaker, . . .	1 10 0
Henry Hardie, merchand, . . .	1 10 0
Walter Wilson, do. . . .	1 10 0
Walter Howison, baker, . . .	1 16 0
John Heart, glover, . . .	1 10 0
Robert Douglas, shoemaker, . . .	1 10 0
James Scott, smith, . . .	1 10 0
John Shein, fisher, . . .	1 10 0
Mrs Elliott, . . .	1 10 0
Adam Brown, weaver, . . .	1 10 0
John Trumble, couper, . . .	1 10 0
John Purcell, wright, . . .	1 10 0

	Scots money.
John Briggs, flesher, . . .	£1 10 0
John Hardie, maltman, . . .	1 10 0
John Garner, gardener, . . .	1 10 0
George Renwick, flesher, . . .	1 8 0
William Ellote, Sandbed, . . .	1 8 0
William Ainsley, heckler, . . .	1 10 0
Thomas Briggs, younger, weaver, . . .	1 10 0
John Tynlin, weaver, . . .	1 10 0
Robert Scott, laird, shoemaker, . . .	1 10 0
Stephen Greenshiells, weaver, . . .	1 10 0
James Newbie, officer to the sheriff, . . .	1 10 0
Patrick M'Lellan, gardener, . . .	1 0 0
George Scott, wright, . . .	1 4 0
John Scott, called herd, . . .	1 4 0
John Stewart, . . .	1 0 0
James Wilson, carrier, . . .	1 0 0
Robt. Robson, carter, . . .	1 0 0
James Riddell, merchant, . . .	1 0 0
Andrew Simpson, do. . . .	1 4 0
John Tudhope, wright, . . .	1 4 0
Thomas Scott, . . .	1 4 0
George Deans, skinner, . . .	1 0 0
Elizabeth Burne, widow of Wm. Burn-	
field, chirurgion, . . .	1 0 0
Andrew Scott, wright, . . .	1 0 0
Robert Scott, cordiner, . . .	1 4 0
James Hardie, . . .	1 0 0
Walter Anderson, flesher, . . .	1 0 0
Francis Gladstains, wright, . . .	1 0 0
Thomas Wilson, flesher, . . .	1 0 0
James Waddell, glover, . . .	1 0 0

	Scots money.
Robert Scott, wright, . . .	£1 4 0
James Gladstains, late baylyea, . . .	1 0 0
Andrew Hart, maltman, . . .	1 0 0
Robert Scott, merchant, called Pope, . . .	1 4 0
Simon Mack, carrier, . . .	1 0 0
Alexander Scott, town-officer, . . .	1 0 0
James Scott, Colifert carter, . . .	1 4 0
Wm. Douglas, carrier in Kirkwynd, . . .	1 0 0
James Lun, weaver, . . .	1 0 0
Robert Scott, thatcher, . . .	1 0 0
John Swan, weaver, called Nuckle, . . .	1 0 0
Andrew Clark, carter, . . .	1 0 0
Andrew Brown, weaver, . . .	1 4 0
Andrew Turnbull, couper, . . .	1 0 0
Gideon Garner, gardener, . . .	1 0 0
John Jollie, weaver, . . .	1 0 0
John Blyth, weaver, . . .	1 0 0
Andrew Dods, weaver, . . .	1 0 0
William Swan, weaver, . . .	1 0 0
John Hardy, younger, maltman, . . .	1 0 0
Walter Weims, merchant, . . .	1 0 0
William Brown, weaver, . . .	1 0 0
John Olypher, weaver, . . .	1 0 0
James Simpson, merchant, . . .	1 0 0
Walter Reucastle, carter, . . .	1 0 0
Adam Briggs, weaver, . . .	1 0 0
Wm. Taylyor, carter, . . .	0 14 0
John Trumble, carter, . . .	0 14 0
Wm. Haswell, . . .	0 12 0
James Scott, pedee, . . .	0 14 0
Widow Tudhope, . . .	0 14 0



	Scots money.
John Scott, taylyor, . . .	£0 14 0
Wm. Scott, taylyor, . . .	0 14 0
John Monroe, . . .	0 14 0
Christian Scott, . . .	0 14 0
Robert Wilson, carrier, . . .	0 14 0
Robert Douglas, carrier, . . .	0 14 0
Bessie Swan, merchant, . . .	0 14 0
Agnes Riddell, relict of James Bryden, merchant, . . .	0 14 0
Ned Kerr, merchant, . . .	0 13 0
Beatrix Trumble, relict of James Boyd, baxter, . . .	0 14 0
Thomas Purdom, litster, . . .	0 12 0
Simon Wright, under-millner, . . .	0 12 0
Walter Riddell, taylyor, . . .	0 14 0
Jane Forrest, . . .	0 14 0
Wm. Gladstains, . . .	0 14 0
Thomas Hardie, merchant, . . .	0 14 0
David Rutherford, mason, . . .	0 14 0
John Douglas, workman, . . .	0 12 0
John Tait, gardener, . . .	0 14 0
Wm. Stewart, taylyor, . . .	0 12 0
John Briggs, weaver, . . .	0 14 0
William Rodger, pedder, . . .	0 12 0
John Moor, carrier, . . .	0 14 0
Thomas Hewison, workman, . . .	0 14 0
Walter Henderson, cassayer, . . .	0 17 0
Francis Scott, weaver, . . .	0 14 0
Adam Trumble, taylyor, . . .	0 12 0
Thomas Beattie, pyper, . . .	0 14 0
Patrick Hardie, carrier, . . .	0 14 0

	Scots money.
James Wight, weaver, . . .	£0 14 0
John Stewart, dyker, . . .	0 14 0
James Huntlee, . . .	0 16 0
James Greinsheills, . . .	0 14 0
Joan Bennet, relict of umquhil Wm.	
Swan, weaver, . . .	0 14 0
Robt. Olypher, shoemaker, elder, .	0 12 0

“ *Total, £26, 15s., sterling.*”

1695.

“ Walter Henderson, *cassaer*, admitted burgess, whose fee of admission was paid by cassaeing of the meikle guttur stone cas.”—*Council Records*.

“ The officers are ordered to banish Elizabeth Miller (convicted of theft) out of the *Ports of the town*, and ordained to discharge, by toucke of drum, all persons from harboring and resetting her, for ane night, day, hour, or moment, under the pain of £10.”—*Ib.*

“ Agnes Scott is convicted of given Robert Scott blood, by thrusting her hand in his mouth, and ryveing out of his cheiks.”—*Ib.*

1696.

“ The council resolve, that no eild nolt be found at any time within the infield, until ance the hail corne be cut down, shorne, and covered within the barn-yards, and neither horse nor nolt be found out in the night, after day-light, and no

person, young nor old, be found gathering or pulling of their neighbour's peise, under the pain of 40s. Scots, *toties quoties*."—*Council Records*.

"Item, that no person burn any peise sheaves, or inbring into house, barnyards, or sets any sort of corne or grain after daylight passing, or steills their neighbours peats, green kail, or other goods, under the pain of fining, sitting at cross, and banishment out of the liberties of the toun."—*Id.*

1697.

"Two females are convicted of stealing great quantities of ale, sometimes turned, sometimes working in the fatt, at groats and six pennies Scots per pint."—*Id.*

Two females, found guilty of theft, are ordered "to be taken out of *the irons* and tolbuith, and *publicly whipped and scourged* thro the hail town in the market day, and at the east end of the town to be brunt on the chiek with the letter H, and thereafter to be banished the town by touck of the drum, which was instantly done. Persons harbouring them are not only subjected to a fine, but are to be reputed *socii criminis* (accomplices), and so liable to undergo the same or like punishment that they have this day suffered"—*Id.*

(This barbarous sentence was illegal, the statute 1689, c. 13, having enacted, that using torture without evidence, or in ordinary crimes, is contrary to law. Torture was not abolished

in all cases, however, until 1709, by the statute 7th Anne, c. 20. It is mortifying to find the legality of torture assumed as undoubted in Scotland. Mr Hallam proudly boasts that it never was legal in England.)

“ Robert Black, milner, in Hassendean, is fined for selling insufficient humil corne meils.”—*Council Records*.—There are many similar cases.

A person is convicted of stealing “ ane *laced pinner* from the spouse of Richard Myles, *pirri-wigg maker*.”—*Ib.*

“ Paid 28 shillings Scots for ale, drunken by the soldiers that were taken down to Jedburgh, and their attendants, at their *taking of horse*, and *bon-vale*.”—*Ib.*

The council resolve “ that James Scott and three others should be incapable of bearing any public charge within the said town in time coming, either as bailies or councillors, in respect they were instrumental abettors and hounders out of the last illegal election in October 23 last.”—*Ib.*

1698.

“ The diet against Robert Hardie is continued until ane inspection be taken, whether the town or regall officer was the first attacher.”—*Ib.*

“ Andrew Clark, carrier, is fined for carrying

the ground (soil) off the common, and mucking the arable land with the same, contrair to all former practieque in the said town.—*Council Records.*

1699.

Various persons are fined “for breach of the proclamation of His Majesty’s Privy Council, against regrating of victuals and forestallers.” The grain sold was bear, and oats, and, in one instance, wheat.—*Ib.*

“The sum of £4 Scots ordered to be paid to the town’s officer for his common riding coat, to be defrayed out of the first ready money that can be had out of the burgesse money.”—*Ib.*

(This and other entries shew that the burgh had not at this period any revenue from their lands.)

“*April* 7.—The quhilk day, the bailies and town council of this burgh, taking to their serious consideration, and merciful commiseration, the very sad caise and lamentable condition of many indigent and distressed familys and persons within the said town, in this time of so great scarcity, and extreme dearth, and that the same are daily upon the growing hand, by the frequent confluence and thronging in upon the said town of many mendicating persons and familys from landward, and of their being sheltered within the same, by at least hiring, or making ane fashion of hiring, of houses to dwell therein, whereby the awncient poore of the said burgh, to their utter

ruin, are altogether frustrated and disappointed of the ordinar free and gratuitous contributions of their Christian and charitable neighbours, which, with the blessing of Almighty God upon the said acts of charity, was ane great pairt of their substance and livelihood: Do, therefore, enact, statute, and ordain, that no other toun or landward heritor of tenements and houses within the said burgh, under whatsoever colour or pretext, for short space or long space, maill, or maill free, set, let, or hire any of their houses, high or laigh, back or fore, to any families or person, strangers, whatsoever, without the first acquainting the present Magistrates therewith, to the effect timeous tryall and inspection may be taken, whether such families or persons can live and subsist upon their own, without being troublesome and burdensome to the said incorporation: Certifying all persons that shall happen to contravene this act, and do on the contrair, shall lose their house rents so set, and be fined likewise in £10 Scots, *toties quoties*, by and attour the expelling instantly out of the liberties of the said toun the said persons and families, strangers, as said is. Likewise ratifies ane former act, dated in 1696, discharging all town and landward heritors to resett or harbour, or yet to sett or hire to any person who is in *mala fama*, or under ane evil report, any of their said houses, certifying to those who shall do on the contrair, that they shall be looked upon as *socii criminis* (accomplices), and consorters with idle, vagabond

persons, and, besides the loss of their house rents, shall be fined £20, *toties quoties*.—*Council Records*.

“ Thomas Howison, merchant, is fined for forestalling two bolis of beir from the Lady Newtoun, and ane from Gladstanis.”—*Ib.*

“ James Weins, merchant, is fined, conform to the acts of the commissioners appointed within the shire for regulating the price of victual, for selling five or six stones of oatmeal at 36s. (Scots) per stone, and ordained to pay the buyers the surplus which he took above the act.—*Ib.*

(This enormous price proves the severity of the famine.)

“ Gedeon Scott of Falnash, regal bailie to the Duchess of Buccleuch, for her interest, and the bailies, appoint stent-masters, to cast on the sum laid on the town of Hawick as unfrie traders, by the act of the Committee of Parliament.”—*Ib.*

Bailie Graham is empowered to compear before the Lords and other commissioners of unfree traders, and there to renounce the benefit of the act.

1700.

J. and N. Gladstains found guilty of stealing peats and strae, are sentenced to stand at the crosse for a season, and be banished the town.—*Ib.*

“ Ane murt lamb skin is stated to be hardly

worth two shillings Scots, and the stealer thereof ordered never to be seen in the town.”—*Council Records.*

“ Robert Cowan, for *breach* of the fair, in throwing of ane stoupe full of wine, and striking at William Atkin, is fined £100 Scots.—*Ib.*

“ The town’s piper, for his nicht revelling, in going on the fair nicht playing with the great pipe thro the haill towne, is fined £100 Scots.”—*Ib.*

“ 20th *June.*—Four Hawick fleshers are fined £40 Scots each for forestalling the sheep market, by buying of sheep and lambs, and instantly, for gain, reselling them to the butchers of Jedburgh.”—*Ib.*

The public sheep market is stated to be in the Sandbed, now Teviot Square.—*Ib.*

“ *June 27.*—A Fair day.”—*Ib.*

“ The said day, John Gladstaines, at the East Port, freely and ingenuously confessed that he had stolen and surreptitiously taken away this year, out of his *extreme necessity*, from Galalaw, three load of pitts ; As also, his son William did freely confess the taking away from Mr Robert Cunningham, minister of Wilton, three burdens of oat straw out of the stacke yaird ; In respect



whereof the bailies find them guilty of the pettie theft, and order them to underlie the punishment due to such like persons in such like cases ; which is to stand at the cross for a season, and be banished the town and liberties thereof."

(Looking to the awful famine which overspread the land, this sentence was much too severe. Indeed the punishments inflicted were generally excessive. Thus, the town piper is fined £100 Scots, a great sum in these days, and equal to five or six years salary, for a petty offence. It is probable that the fines were often unpaid, owing to the poverty of the parties, and became the subject of compromise. The practice of imposing a fine payable to the bailies, in addition to that payable to the burgh, was highly reprehensible, yet it was probably common in these times, at least in Inferior Courts.)

" Wee, John Cochrane, an auld lame tall black man, with some grey hairs in his heid, lame in both elbows, and having ane cut in the brow, and David Anderson, about 16 years of age, from the Canongate of Edinburgh, of ane little statur, wanting an ey, being imprisoned on suspicion of theft, engage never again to be seen, by night nor by day, within the Burgh of Hawick, or liberties thereof, or Shire of Tiviotdale ; and if they do on the contrair, they consent to be *branded with ane hott iron on the face*, and be furthar punished as vagabond robbers and theffs."—*Council Records*.

(In the Justiciary record already referred to,

several parties convicted at Jedburgh of theft, and other crimes, are adjudged to be burnt on the cheek with the common burning iron of the Burgh of Jedburgh).

Bailies since 1690, William Scott, James Deans, Patrick Richardson, Walter Gladstains, wright, Robert Rewcastle, Walter Graham, and John Binnie,—Walter Gladstains, Clerk.—*Council Records.*

James Scott, Stobitcote, “is fined for forestalling of the public market, by buying of ane lamb from the servant of James Ogilvie in Branhholm for 25 shillings, and sold it again to ane flesher of Jedburgh for 28 shillings Scots.”—*Ib.*

*January 11.*—A criminal Court is held by Walter Elliot, Bailie, substitute of Gideon Scott of Falnash, Bailie of the Regality of Hawick, and Lordship of Whitechesters, Branhholm, &c., pertaining to the Duchess of Buccleuch, when the offender, who had been ten days *in irons*, was, after exposure in the market-place, banished from said Regality, and all other bounds of Regality, Barony, &c. within the Kingdom pertaining to said Duchess.—*Ib.*

*April 11.*—The Rev. Robt. Cunnyngnam, is minister of Wilton. He was afterwards appointed Minister of Hawick.—*See Appendix, Note 11.*

The Sandbed or Sands, now called Teviot Square, was the market-place.

1701.

Freemen prohibited from instituting prosecution for debts in any other than the Bailie Court, except testat goods.—*Council Records*. (There are several prosecutions for violation of this act of Council).

*March*.—All owners of cocks and hens are ordained to clip their wings and toes instantly, under the pain of five grots, *toties quoties*, besides damages to the party damnified.—*Ib*.

The Burgh is at this date owing £96 Scots, contracted partly for covering the steeple with lead, and repairing the *two* bridges, and other common uses of the Burgh; and “now for mending of the knocke, and putting her to chop again after she had stood dumb and mute for 13 yeiris time or thereby,” the Council lay on an assessment by 4 *classes*.—*Council Records*. That is, an assessment regulated by the abilities of the parties to pay it.

Patrick Freeman depones, “that the officer of the Bailies was the first *attacher* of him and his wife for their disorderly marriage, and going over the Borders in England to marry without the bans of proclamation, and did summon them to that

effect, first before the officer of any other Court.”  
—*Council Records*.

“ The Bailies finding the Town-Council to be very weake, and the Town’s affairs for the time very urgent, and it being absolutely necessary for ane additional number of very honest men, did, with consent of ane part of the Council, bring in and add to the old Council six personnes, making in whole 18, besides the Bailies, Clerk and Treasurer.”—*Ib*.

1702.

Sixty Burgesses vote at the election of Bailies this year.—*Ib*.

“ The Council agree with Francis Henderson, that he shall keep the Town’s knocke in the steeple (that is the church steeple) in ane good going and sufficient case and condition, without cracke or flaw for knocking and chopping hourly night and day during the haille space, days, yeris, and terms of his being in health and life, and residence within ten miles of Hawick, and to provide all iron work and steel therefor, for which he is to be paid £6 Scots yearly.”—*Ib*.

“ H. Hardie is fined in ane gross immorality, in profaning the Sabbath Day, by tarrying, in the time of Divine Service, in the house of G. Rennie, who keeps ane change. Rennie is also fined for keeping of him and selling him ale.”—*Ib*.

"J. Swan and W. Leyden are each of them onlawed for being drunk upon Teusday was 8 days, conform to act of Parliament."—*Council Records*.

A party is fined for steeping lint in Teviot at the yard foots."—*Ib.*

1703.

The town's officer, piper, and drummer, are each allowed a new coat, costing £6 Scots each.—*Ib.*

Act appointing the burgesses to be stented 50 merks yearly, according to their respective qualities and abilities, for the encouragement of ane flourishing school, and able and well qualified schoolmaster for learning and educating of children, and for presenting in the church upon Sundays, and other days appointed for Divine service.—*Ib.*—(*See postea* 1710).

A Cornet (standard-bearer) is elected, so far as the records shew, for the first time;—the common riding to take place on Friday 28th May.—*Council Records*. The practice of riding the marches is of an older date. But *see postea*, 1st June 1706.

(Since the lands were enclosed and divided, the custom of riding the marches on the last

Friday of May, old style, has in a great measure fallen into disuse. The common riding is therefore now a mere pageant for the enjoyment of youth. A custom still prevails, which merits notice. Chaplets of oak, if in leaf, as is usually, but not always, the case in the end of May, are worn by the young men on the occasion. It may be asked whether this usage has been derived from the Druids, among whom the chaplet was a symbol of their religious belief; or from the Romans, who awarded it to their patriots—

“Rome bound with oak her patriots’ brows.”

The colour captured from the English in 1514, of which an emblem is carried on the occasion by one of the young men called cornet, indicates a claim to patriotism.)

1704.

“A party is fined for giving some of the *border* false, clipped, and counterfeit siller to James Badie to put off, and sycklike Badie for the taking thereof, and thereby cheating of the lieges.”—*Council Records*.

“The council resolve that Gideon Scott of Falnash be spoken to anent the helping of the dam brigs, and the port in Horslee Hills Wynd, and siclyke, that as soon as possible the Tolbuith be sufficiently thatched; lykewise that oyl be furnished yearlie for the knocke, and tows for the bell, and pypers shoes.—*Ib.*”

Count and reckoning is made with Paterson the *casseylayer*.—*Council Records*.

1705.

The inhabitants are prohibited from casting peats or turfs but for their own use and burning allenarly, and not to make sale thereof.—*Ib*.

The inhabitants are prohibited from using any sort of liberty on the Common, until they are admitted burgesses.—*Ib*.

A party is fined, conform to Acts of Parliament, for being drunk, in respect of his own confession, and also for many terrible oaths he most blasphemously uttered, and that by attestation of famous witnesses.—*Ib*.

A party is fined for abusing the present bailie out of court, and avowing in court, "that he repented bot that he had broken his head."—*Ib*.

The council appointed the Common to be ridden on Friday, June 1. ,and elect a cornet.—*Ib*.

1706.

A merchant is fined for his disorderly and irregular marriage; in respect it took place at Cornhill in Northumberland.—*Ib*.

A party is also fined for "ane *supernumerarie* marriage."—*Ib*.

These convictions seem to have been appealed against, as the council resolve “ jointly to concur for the defence of the true liberties and privileges of the burgh enjoyed for some hundreth of years bygane, by maintaining the bailies decision. They further resolve, that in case the bailies have been guilty of maladministration, they should only be liable to censure and judgment of the council and incorporation, who are their immediate constituents, and from whom they allenarly derive their power and office of bailiary, or else to the Lords of her Majesty’s Secret Council, and to no inferior judge or judicatory.”—*Council Records.*

“ George Scott is discharged by the council of continuing any longer ane councillor, in respect not only of his going to bear some office in the Castle of Edinburgh, but for his calumniating and speaking notour untruth of the town-clerk behind his back, contrary to the statutes of the town ; and by saying that he had been for thirty years ane knave, cheat, and rascal ; and he is further fined in £10 for the scandal.”—*Ib.*

“ The person elected cornet having declined to carry the pennil, or colour, caused ane great disurbance, confusion, and mutiny amongst the otherwise civil inhabitants, even to the committing of some riot, abusing of magistrates, and almost to the effusion of blood ; whereupon the council directed the eldest bailie to carry the same through and out of the town, and the younger bailie to



carry it back again in and through the town, with power to appoint any person they chose to carry it along the Common Muir. The council further resolved, that the young unmarried men should not carry the same in future, unless they petition, and are permitted by them to do so. Farther, the party refusing to be cornet is fined ten groats for absence from the Common riding, and £20 for refusing to carry the colour.—*Council Records.*

John Binnie, late bailie, is found guilty of traducing Robert Hardie, present bailie; and is also fined for “breach of waird, into which he was incarcerate, and ryveing off the lock of the Tolbuith door, and ryveing up the daills of the loft of the said Tolbuith.” For these, and other reasons, he is also declared incapable of being any longer a councillor.—*Ib.*

1st June.—“The bailies and council considering the confusions, tumults, disorders, and riots, even to the effusion of blood, and high contempt of magistracy, caused by the young unmarried men and lads of the said town, who drew in ane hostile fashion by themselves, and contrary to all ancient custom and practice of the said town for many generations and hundreths of years past; made and patched up ane mock colour of their own, carried the same along the haill common, and through the haill town, deriding, mocking, scoffing, and laughing at the old pennil (pennon) and

bearers and carriers thereof ; menacing, threatening, and with many intolerable, injurious, and opprobrious words and speeches, publicly abusing the bailies, town-council, and other honest burgesses, their faithful adherents, conform to their burgess oath, not only by deriding, mocking, and scoffing, and abusing the said bailies the foresaid day at the riding of the common marches, but also upon the morrow thereafter, by crying themselves, and hounding others to say publicly, and loudly to hollow out at windows, and to hout the bailies when passing by in the streets about their own necessar business and negotiations, and all this done by these persons, or others by their influence hounding and sending out of others for that effect. In respect whereof, and that it was visible and notoriously known to the most part, if not the haill inhabitants of the burgh, that in the very instant of time when Baylyea Hardie was to mount upon horseback, and carry the said pennil, according to statut and ordinance, they, and others their associates, came publicly upon horseback in ane threatening manner, with ane buit to carry the staff or standard in, and offered to gripe at and carry the said colour. As also, in regard that they did not only carry the said mocke colour through the Common Muir and town, and intended, if not dissuaded by peaceable burgesses, with their faction and associates to proceed and go before through the haill town the bailies, town-council, and other honest burgesses, contrary to all former ancient practice ;

they were ordained to remain in prison till they found caution for their better and more peaceable behaviour in future.”—*Council Records*.

*8th and 17th June.*—“ The quhilk days the bailies having called together the council, anent the letters of suspension and charge to set at liberty, brought out against them at the instance of the above parties ; it was put to the vote of the council, whether or not they would adhere to and back the bailies in discussing the said letters of suspension before the Lords of Council and Session ; when the council, by a great majority, resolved to do so.”—*Council Records*.

1707.

The benefit of the *Act of Grace* allowed to two persons.—*Ib.*

The council allocate the two front seats in the steeple loft to the bailies and council in all time coming. Intruders are afterwards fined.—*Ib.*

*May 9.*—“ The said day the bailies and council did unanimously agree, that ane new colour, standard, or pennil, should be bought, and be in readiness at the next ensuing Common riding ; in respect the old ane was altogether torn and useless, and to that effect to uplift and take of the readiest burgess money.”

*Ditto.*—“ It was statute, enacted and ordained, that no person or persons, either burgesses, free-

men, nor unfreemen, residents within the said burgh, young nor old, should presume or take upon hand, under whatsoever colour or pretext, to transport or carry any other colour, pennil, or standard, either within the town or through and about the meiths and marches of the Common Muir and pasturage thereof, at the Common riding first, or at the Common riding in any time to come for the future (except allowed by the bailies successivè for the time, and town council of the said burgh), and that under the pain and penalty of £20 Scots, *toties quoties*, by and at-tour imprisonment during the bailies' will and pleasure, and the parents to be liable for their childer's fines and onlaw."—*Council Records*.

*May 21.*—"The said day, notwithstanding of any former acts to the contrary, the bailies and town council did statute, enact, and ordain, that Alexander Young should furnish, upon his own proper charges, oyle for the knocke, and cords for the bell, and in consideration thereof, he should pay nothing inward to the town for tolling of the bell at *landward burials*.—*It.*

*May 30.*—"The said day, Robert Roucastil and Robert Brown, the two present bailies, with the town council, did ride the meiths and marches of the Common, and George Deans, merchant, was the first that carried the new pennel, standard, or colour, which being bought by Bailie Mertine at Edinburgh, cost (the money

being paid out of the burgess money by Baillie Roucastill) the prices after mentioned, viz. :—

*Imprimis*, for three ells of silk, at 44s.

per ell,	£6 12 0
Item, for 8 ells of ribbon, at 3s. per ell,	1 4 0
Item, for other 2 ells of ribbon, at 5s.	
per ell,	0 10 0
Item, for 6 drope of silke,	0 12 0
Item, for making of it,	1 16 0

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Scots, £10 14 0

*The last day of May 1707.*—"The town council being fully met and convened, did take into their serious consideration the public undeniable and unaccountable abuse that, to the great offence of the haill town and country round about, was committed yesterday at the riding of the Common, by Robert Roucastill and Robert Brown (the two bailies), their striking at others horses with their whips and staves, did instantly fine, onlaw, and amerciate each and ilk ane of the said two in £25 Scots, payable at Michaelmas next, for the use and behoof of the said town; and, for that effect, to give their bond to John Scott, tailor, and town treasurer, which accordingly was done.—*Council Records.*

"John Scott, elder, called Soldier, and John Scott, younger, his son, were fined, onlawed, and amerciate each of them in ten pounds Scots, for violent putting, thrusting, and expelling, under

cloud of night, being about eleven hours at night of Wednesday night, being the day of May current, the horses pertaining to William Aitken, younger, out of the stable which he had taken, was in peaceable possession of, and paid mails for, and that contrair to all law, justice, right, and reason, and that in respect of both their compearance, confession, and coming in will."—*Council Records*.

"The said day, Walter Deans, carrier, was onlawed in £5 Scots, for summoning of Adam Thorbrand to Jedburgh Court after the summons was tabled and called in Town Court."—*Ib.*

*Aug. 1.*—"The said day, John Scott, glover, was onlawed for deriding and mocking the bailie in respect of his compearance, confession, and coming in will."—*Ib.*

"The said day, upon ane missive letter from the laird of Gladstains, the bailies and council gave liberty to him to cast, win, and lead some divots off the common."—*Ib.* (The estate of Gladstaines, belonging to Gladstaines of that ilk, (a race now extinct), evidently at a short distance from the town, has undergone a change of name, and it has not been discovered what lands it comprehended. The lands of Humelknowes seem to have been a part of it.)

"David Young is fined for contumacy, in not

compearing when cited, for saying in ane open session, where he was cited for immoralities, that there were some (as is alleged) in the said session as guilty as he was."—*Council Records*.

"The bailie is directed to pay the town clerk's wyf 48s. Scots, which was taken on in the bailie-ship of the deceased Patrick Richardson and Bailie Hardie.

"The bailies are to see her paid £6, 10s. Scots, expended and taken on upon 6th Feb. 1706, being the Queen's birth-day."—*Ib.*

1708.

Two persons are sent to prison for disturbing the bailies and council when sitting upon the two front seats of the steeple loft, and fined £10 Scots.—*Ib.*

The council pay 200 merks Scots for the timber work of the steeple loft in the kirk of Hawick, conform to an act of the Presbytery of Jedburgh.—*Ib.*

1710.

The burgesses are divided into four classes, and assessed in 8s., 6s., 4s., and 3s. Scots (per head), to pay Bailie Layng 50 merks for building said steeple loft.—*Ib.*

The council are sued before the regal bailie for said 50 merks, and *interest*, which last was objected to.—*Ib.*

The heritors of the parish, in terms of the Act 1696, impose on themselves, apparently for the first time, a stent of 200 merks yearly, as the salary of a schoolmaster. The obligation to this effect (dated 25th August 1710, &c., and recorded in the books of Council and Session, 13th Sept. 1711) recites, that there was then no "competent salary provided for a schoolmaster in that place, to the great detriment of the inhabitants of the town and landward parts of the parish, although this town is one of the most convenient places for a school in all the country, and at a great distance from Jedburgh and Selkirk, *which are the nearest schools to this place.*"

The deed confers the right of patronage of the school, in all time coming, on Her Grace the Duchess of Buccleuch and her successors in the barony, but this was plainly irregular.

The Magistrates and Town Council, "for the greater and better encouragement of any suitable well qualified person or persons, to officiate successively in time coming hereafter, as schoolmaster in the said town and burgh of Hawick," grant bond for payment of 50 merks Scots yearly to the said schoolmaster in all time coming.

The bond (dated 5th Sept. 1710, and recorded in the books of Council and Session, 13th Sept. 1711) is granted by James Burne and James Scott, present bailies, Robert Ruecastle, Walter Graham, Robert Hardie, George Mertene, and Robert Brown, late bailies; Patrick Angus,



merchant, John Weillands, baxter, William Gladstanes and John Scott, tailors, Walter Scott, shoemaker, John Scott, smith, Andrew Girden and William Swan, weavers, and Walter Wilson, merchant, town councillors of said burgh, being apparently the whole members of the corporation.—*Council Records.*

Mention is made of the King's Common Street that leads from the *Town-head Port* of the town of Hawick to the Walliegate.—*Id.*

The bailies, in a reference, regulate the right to sittings in the *websters' loft* of the Church of Hawick.—*Id.*

Valuation of the lands in the parish of Hawick at this date:—

	Scots money.		
Duchess of Buccleuch, .	£7608	14	4
Gideon Scott of Falnash, .	1217	6	8
Margaret Elliot of Harwood,	866	13	4
Michael Andison of Tushielaw,	540	13	4
—— Andison of Rashiegrain,	270	6	8
Walter Scott of Crumheugh, merks,	400	0	0
John Gladstains of Flex, for Flex, and Meikle and Little Whitlaw, . do.	400	0	0
Francis Scott of Horsleyhill, for lands of Weensland, .	£264	0	0
Walter Gladstains of Hillhouse- land, . .	merks,	100	0 0

Scots money.

Walter Paterson of Burnflat,	£40	0	0
Robert Cunningham, minister of Wilton, for lands in Hawick,	86	13	4
Proprietors of Particulates in Hawick,	97	0	0

Bailies since 1700.—John Binnie, Robert Hardie, George Mertine, Walter Grahame, Patrick Richardson, Robert Ruecastle, Robert Brown, James Burne, and James Scott.—*Council Records.*

## 1711.

A party being admitted burgess, his burgess money is given over to the clerk, who is now and then in custom to get ane burgess complimented over to him.—*Ib.*

Died, Alexander Orrok, parish minister.—*See Appendix, Note 10.*

## 1712.

Robert Cunningham is translated from Wilton to Hawick. He died in 1724.—*See Appendix, Note 11.*

A party is fined “for breaking the ground in that part of the common called the Haugh and Sandbed, at the foot of Church-wynd, by digging, delving, and bigging of ane dyke there.”—*Council Records.*

1713.

John Watson, writer, and regal clerk of the regality of Hawick, is admitted a burgess.—*Council Records*. He died in 1720.

Liberty is granted by the council to cast bakes out of any mosses at the Common, except Winington, Whitchesters, and Leonards.—*Ib*.

The bailies entertain a process of riot and assassination at the instance of Alexander Buchan, surveyor, *gadger* of the ale within the town of Hawick and district thereof, against John Kerr, servitor to Walter Pringle, *walker*, in Rouch-heuch.—*Ib*.

A flesher is fined, conform to Act of Parliament, for bringing in an insufficient deceased carcase of beef, being dead in the country before it came into the town.—*Ib*.

Mr Crawford is minister of Wilton.—*See Appendix, Note 12*.

1715.

Hawick is described by Paton, in his History of the Insurrection of 1715, as a poor market town, belonging to the Buccleuch, at whose house the English Lords, with their relations, took up their abode.

The act of council, dated in 1640, is renewed,

and burgesses ordered "to help and mend the channels and caissays from their respective fore doors, upon each side of the street, to the tope or rigging of the cassey."—*Council Records*.

17th May.—The common riding was appointed and voted to be on 3d June, in respect the month of May was cold, rainy, and windy.—*Ib*.

"The council appropriate 5 merks for the help of the mail of a house for an English school. The other half to be paid by the kirk session thereof."—*Ib*.

"Item, that ane man and horse be hired to carry sand to the repairing of the *bridges*."

"A party is fined for breaking of the marches betwixt the propertie of the Duchess of Buccleuch and the commontie at the *Woollee gate*."—*Ib*.

"The common mercat crose, with its appendages, are ordained by the council to be helped, mended, and repaired, at the expense of the burgh."—*Ib*.

"William Bell is fined for casting of peats and turffs in the common moss and mure, being not ane burgess."—*Ib*.

It was voted that R. Rewcastle, late bailie, should have the custody of the charter little chest, and that James Scott, late bailie, should have

one of the keys thereof, and Walter Purdom the other key.—*Council Records.*

(There are many similar entries of an earlier date.)

## 1716.

The whole burgesses are charged to attend the bailies, for the purpose of carrying away the baggage of the *English dragoons* to the town of Lauder. Recusants are fined £10 Scots each.—*Ib.*

Several parties are fined for *refusing* to carry the length of Lauder, upon their horses, the *luggage* pertaining to *Pilstown's Regiment* of foot, last week, when they were peremptorily charged for that effect, and also promised by the officers of the said regiment reasonable satisfaction and payment for each horse, which accordingly they did perform and pay to those that went along with them.—*Ib.*

A party is fined for disobeying the bailies anent the *quartering* and *billets* given for the said *Pilstown's Regiment* last week.—*Ib.*

“Several parties are fined for misdemeanours, riots, and bloodshed at the annual boon-fyr, on the west side of the Water of Slitrik, on Midsummer Saturday, (being this year on the 11th, another entry says 25th June), in that part called the Common, (now Hawick) Lone.”—*Ib.*

This festival, originating at a period when the

inhabitants worshipped the sun, was in Scotland generally celebrated on the first of May, called Beltein. Jamieson remarks, that "in Ireland Beltein is celebrated on the 21st June, at the time of the solstice." It was meant in honour of the sun, to solicit its "protection for shepherds and their flocks," and probably to invoke its return in a future year,—the Scottish word *bone* signifying a petition, a prayer, as in old Gawyn Douglas quoted by Jamieson,—

"And lukand upwart towart the clere mone,  
With afald voce thus wise he made his *bone*."

In recent times the custom had degenerated into a scene of such rude contention for superiority between the inhabitants of the opposite sides of the Slitrig, that the Magistrates were obliged to suppress it as dangerous to the public peace. Thus too, in 1792, in a let of the burgh lands, the tenant is expressly debarred from allowing "any bonfire to be burnt on said haugh;" and the customary arena being about the same time required for buildings, it was then finally discontinued.

1717.

"Thomas Smith, born at the Wells in the Water of Roul, and now keeper of ane *puppie play* through the kingdom, is fined for a riot."—*Council Records*.

1718.

“ The council nominate persons to take an account of what any of the inhabitants will voluntarily contribute for a new *clock to the church*.”—*Council Records*.

“ A woman is fined £10 Scots, for contumacy in disobeying the bailies’ command, by not permitting ane stranger merchand to mark and possess his *stand* contiguous to hers in the fair day, and £10 farther, for publicly abusing the bailie, and, with her scandalous tongue, wickedly uttering many oprobrious expressions against him, not only in presence of many of the lowest people, but also of strangers who were resorting to the said fair.”—*Ib.*

“ It was statute and ordained that it shall not be in the power of any bailie to create, after this day, any person burgess *gratis*, except it be some gentleman or other stranger, upon and for onerous causes.”—*Ib.*

A party, being elected bailie, a protest was tendered against the election, in respect he was lying *at the horn*, at the instance of — Ainslie, &c.—*Ib.*

1719.

It is ordained that whoever shall hereafter divulge any thing that is proposed in the council, by telling who was the proposer of any thing that

is laid before them, such *divulgers* shall be fined £10 Scots.—*Council Records.*

A weekly stent is imposed, applicable, first, for furnishing peats and candle to the *Guard*, and what remains to be divided equally among such as have the soldiers of the four companies of *Col. Amerongous' Regiment* quartered upon them.—*Ib.*

The council condescend to make up a new table, with bunkers round about, in the tolbooth, and to buy a table-cloth out of the fore-end of the bur-gess money.—*Ib.*

The bailies ordain, that such persons as have free houses within the town, shall not be allowed either fog or fuel, neither to cast, win, or lead peats, turfs, or divots, or lead clay or mortar out of the Common, unless they pay stent and lot as other burgesses within the said town.—*Ib.*

1720.

Burgesses residing out of the town, of whom the number was considerable, are prohibited from putting horse, nolt, or sheep on the common, which is said, in consequence, to be *overlaid*.—*Ib.*

A salary of ten shillings yearly is awarded to the clerk, for *pen, paper, and ink*.—*Ib.*

The flesher trade (then seven in number) is *incorporated by Seal of Cause from the Council*.—*Ib.*



Bailies since 1710 :—Robert Hardie, James Burne, Robert Ruecastle, and James Scott ; Walter Gladstains, and Walter Gladstains his son, Town-clerks.—*Council Records.*

1721.

The streets are ordered to be paved, and every person to pay the sand and stones for their respective interests to the *Crown of the Cassey*. In the following year, these are declared to be completed,—the Duchess of Buccleuch paying the paviour, and the inhabitants paying for the materials. Ten pence per day are paid to the paviours.—*Ib.*

“ Walter Elliot, late *Bailie-depute of the Regality*, compliments the burgh with as much oak as was ane ax-tree to the *Great church bell*.—*Ib.*

“ The drummer is allowed ten shillings yearly and his *Ywill wages*.—*Ib.*

1722.

“ One pound sterling is allowed yearly to the clock-keeper, for keeping the clock and the six hours' bell, (the town to furnish oyll and towes,) besides the privilege of taking in two sune of sheep to pasture on the common.”—*Ib.*

The council resolve to defend the bailies against their judgments being interfered with by the sheriff.—*Ib.*

The council allow John Purdom 40 merks Scots, or four years' rent of a school-house, when he had not the liberty to teach *in the kirk*.—*Council Records*.

The cordiners petition the council to be incorporated, and separated from the shoemakers, "or those who make single-soled shoes," and their request is complied with, under this provision, that they shall not receive any person within the incorporation, until they become burgesses. In Freeman's action, in 1781, it is stated, that "the weavers and cordiners are of a very old date,—prior to the existing records of the burgh." It is added, that "the skinners and glovers are very ancient corporations, but have not been in use to assemble as a body, or send members to the council."—*Records*, p. 280-1.

The council resolve that intimation should be sent to Winningtonridge, desiring them *not to pasture* on the Common of Hawick, nor none of Sir Gilbert Elliott's tenants in time coming, with certification that they will be pursued for intrusion, and their gear hounded.—*Council Records*.

The council entertain an application against a party for applying to the sheriff, and obtaining an interlocutor, whereby the sheriff discharges the magistrates to impede or trouble him. They farther ordain the clerk to go to Jedburgh, and

propone all defences relevant for the town.—*Council Records.*

Country people are ordained to pay half-a-crown for each time they use the town's litter, and inhabitants who pay not stent nor lot, are to be liable for the same price. The money to be for the use of the town.—*Ib.*

1723.

The council appoint the bell-house, upon the kirk steeple, to be taken down and rebuilt, all ashlar work, in respect the same is turned ruinous, and in danger of falling. Those only who make contributions, to have the privilege of the said bells.—*Ib.*

The following entry occurs in the Treasurer's Books :—" Due him 2s. of exchange, for the stirrup-leathers and girth furnished to the saddle exposed to be run for in May last."—*Treasurer's Books.*

*June 7.*—Again—" Paid Bilife Burne, to take instruments against Stobes, 12s. Scots."—*Ib.*

Repeated entries occur in the books of sums paid for mending *the Cross.*

1724.

Spent in the clerk's, being the King's (Geo. I.) birth-day, £5, 8s. Scots.—*Ib.*

The council resolve to “ stand a summons before the Lords of Justiciary, upon their inflicting corporal and arbitrary punishment on criminals; and the council under subscribing oblige themselves to stand by and defend the bailies and the liberties and privileges of the town in that cause.”  
—*Council Records.*

Mr Charles Telfer succeeds Mr Cunnyngnam as minister of the parish of Hawick.

The council condescend that the Tolbooth shall be entirely taken down from the foundation, and rebuilt, and set out to the south corner of Horsliehills House, and to stent the town to pay 600 merks, to rebuild the same, the schoolmaster's salary for last year being included.—*Ib.*

1725.

The council ordain the Common to be ridden on 27th May, and the officers and drummers to get ribbons.—*Ib.*

The council resolve to give £2 sterling for this year's plate, and allow the town-clerk to engage therefor.—*Ib.*

Mention is made of that part of the Common called *Kirkhaugh*.—*Ib.*

1726.

“ Mungo Armstrong, town herd, allowed two

summe of sheep extraordinary this year, and ane summe yearly thereafter, for keeping up the shiell in the Muir."—*Council Records*.

The council ordain the officers and drummer to get ribbons, and William Donaldson a pair of shoes, for the Common riding.—*Ib*.

1727.

The poor are supported by church collections, and kirk-session funds, at a charge of £22 yearly.—*Ib*.

"Given to William Donald, when he went to fetch the cup for the race, £2, 2s."—*Treasurer's Books*.

The council ordain the weigh-house, or under tolbooth, now possessed by Henry Orrok and others, tacksmen of the customs, to be roup'd.—*Council Records*.

Walter Scott, town councillor, is degraded as such by the council, and ordered to refrain from the council's seat in the bailies' loft, in respect of his twice *breaking prison*, after being convict by the bailies of a riot, and arrested still.—*Ib*.

1728.

The council appoint the treasurer, for encouragement of the manufactory of *tarr'd wool*, &c., to pay any concerned £2 sterling, as the rent of

a house or houses "for ano year allenarly, that shall be called workhouses, and further engage to pay £20 yearly to the dresser of coarso wool, the justices of the peace giving relief, &c."—*Council Records.*

1729.

The drum directed to go precisely at eight o'clock at night, and four in the morning; and the bell to be rung at ten o'clock at night, and six in the morning.—*Ib.*

One of the largest nurseries for trees and shrubs within this kingdom, was established in 1729 at Hassendean in Minto Parish, by Mr Dickson, who left his establishment to his children. They have extended it to Hawick, to Leith, and to Perth; and they supply plants not only for domestic improvement, but for foreign export.—*Chalmers' Caledonia.*—The trade still flourishes at Hawick.

"The council appoint every one to pay for burning and shealing every *kill* 4 shillings Scots, —for each peck, 3 shillings said money, —2 shillings said money for each half peck, and 1 shilling for each copefull."—*Council Records. See ante, anno 1680.*

1730.

Bailies since 1720, James Scott senior, Walter Purdom, James Scott, called Westport Doctor,

Robert Ruecastle, John Scott, Walter Gladstains the second, town-clerk, Charles Telfer, minister, Robert Chisholme and James Anderson, grammar-school teachers.—*Council Records*.

John Scott, *wool comber*, is admitted burgess.  
—*Ib.*

1731.

“ Payed to Dauied Mintoe, for 3 lod of claye for the *well*, 5s. 6d. Scots.—*Treasurer's Books*.

1732.

“ Payed for 3 lod of lime to the Crosswynd Port £2, 14s. Scots.—*Ib.*

Died, Anne Duchess of Buccleuch and Monmouth, aged 81, for more than 70 years superior of the burgh. Her Grace resided occasionally in Hawick, and paid much attention to her poor relations in the neighbourhood. In contemporary writings, she is designated “ ane hie and nichtie princess.”

“ She had known adversity,  
Though born in such a high degree ;  
In pride of power, in beauty's bloom,  
Had wept o'er Monmouth's bloody tomb.”

William Somerville is parish minister. He died in 1757.

A *litter* or hearse is kept for hire by the burgh.  
—*Treasurer's Books*.

“ Payed what was spent that night the *Cross Port* was taken down, 18 shillings Scotts.”—*Treasurer's Books*.

1733.

“ Burgesses ordained to cast their peats in St Leonard's, Blackgrain, and haill other mosses within the Commonty, except Winnington moss.”—*Council Records*.

Burgesses are prohibited from pasturing more than twenty sheep on the common, unless they intend to winter them, or keep them till Martinmas. At this period, the outlying nolt appear to have been pastured during the whole winter.—*Ib.*

A herd for the *horses* pasturing on the common is chosen.—*Ib.*

The council allow men and horse to the value of ten shillings, towards building a bridge over the *Hackman's*, elsewhere called *Hackmes' Dub*, stated to be within a mile or so from Hawick.—*Ib.*

The King's birth-day appointed to be kept in the usual way, on 30th October.—*Ib.*

“ Matthew Foulden, from Jedburgh, under notorious scandal, having taken a house in the town, the bailies and council resolve not to receive



him *as an indweller*, without he produce sufficient credentials and testimonials, not only from the civil magistrates of Jedburgh, but also from the presbytery thereof; and also resolve to take no caution from him for his good behaviour, without sufficient testimonials as said is.”—*Council Records*.

1734.

The bailies and council grant authority to concert with Robert Paisley, wright, “anent the rebuilding of the bailies’ seat (in the church) to the best advantage.”—*Ib*.

The council find a petition from the *tailors*, “to convene at six o’clock to their work, and leave at eight o’clock at night, reasonable, and allow them accordingly.”—*Ib*.

“The council resolve to enquire of Robert Elliot of Medleymyne how he came to take down the bailies’ seat in the kirk, and by whose allowance.”—*Ib*.

1735.

A burgess ticket presented gratis to John Scott, *wool comber* in Hawick.—*Ib*.

“Resolution, that the fore seat in the bailies’ loft in the church shall be kept clear, and none to enter therein, until the bailies for the time, old bailies, clerk, and treasurer for the time, first sitt down and come in to their seats.”—*Ib*.

1737.

"The bailies and council, with other old burghesses, this day marched that part of the Common called *Usuch Haugh*, adjacent to the Duke of Buccleuch's interest, by setting down 8 march-stones on the east side, and one on the west side of the Water of Slitrig, when no objections were made."—*Council Records*.

The back Vennel, from the Crosswynd head to the back dam, is marched by authority of the bailies, and march-stones placed on both sides thereof, making the entry ten feet wide at the straitest part.—*Ib*.

"The well in the *High Street* directed to be rebuilt, the crose and Tolbuith stair to be amended, and the Tolbuith to be casten with lime."—*Ib*.

"Paid for a pinte of halle, when the mesons biged *the well*, 3 shillings Scotts."—*Treasurer's Books*.

Sept. 28.—The bailies are elected, when Bailie Burn protests against the undue return of William Tudhope, "in respect many of his voters for him were his menial servants, and other people's servants, and some of them also minors."—*Council Records*.

1738.

The council subscribe £100 sterling towards the erection of Teviot Bridge, for which the burghesses are also to be stented according to their abilities. A committee is afterwards appointed to collect the *subscriptions* for the bridge. The bridge to cost £450, of which the commissioners of the Duke of Buccleuch are to grant bond before contracting for £250.—*Council Records*.

(The money is borrowed, which seems to have been the origin of the town's debt.)

The council grant an yearly allowance of £8 Scots, during their pleasure, to the English schoolmaster, towards paying his *school-house rent*.—*Ib*.

*March 6*.—"The bailies and council appoint that advertisement be made through the town by tuck of drum, to all creditors that can instruct any debt against the town, to produce their grounds of debt betwixt and the 17th instant, and deliver the same to the treasurer, against that time, with certification, that their debts will be reckoned *satisfied* and *paid*, and they deprived of all further claim."—*Ib*.

1739.

Matthew Foulden (see 1733) having failed to produce testimonials, the bailies and council expel and banish him and his wife and family furth of the town in all time coming, at least while he

obtemper the said act, allowing him three days to remove.—*Council Records.*

The council resolve to build a sufficient English schoolhouse, to measure 30 by 16 feet.—*Ib.*

The practice of keeping the treasurer's books, is changed from Scots to Sterling money.—*Treasurer's Books.*

The council appoint the King's birth-day to be solemnized, commencing at 10 o'clock forenoon.—*Council Records.*

The council agree to a submission, referring the place where the bridge over Teviot at Hawick is to be built, viz., whether at the Sandbed, or at Horsleyhill's (now Walter's) Wynd foot, to the decision of Sir Gilbert Elliot of Minto, Sir Gilbert Elliot of Stobs, the Lairds of Cavers, elder and younger, Robert Elliot of Midlemilne, Andrew Bennet of Chesters, and John Chisholme senior of Stirches.—*Ib.*

The Bailies and Council unanimously resolve to take in the Quarter-masters of the Trades to be *Councillors*, to remain during their office, and no longer, who compearing (7 in number), accepted of the office.—*Ib.*

Bailies since 1730, John Scott, Robert Howison, merchant, James Scott, Thomas Turnbull, merchant, Francis Gladstains, innkeeper, James

Scott, younger, and William Tutop, Gideon Rewcastle, James Weir, town-clerk.—*Council Records.*

1740.

William Adams, Esq., His Majesty's Architect, and Francis Gatton, Esq., His Majesty's Engineer, for Scotland, are admitted burgesses. *Ib.*—

“Paid to Thomas Sworde for being a gide to the Langholme with a officer of the draugounes, one shilling.”—*Treasurer's Books.*

The Council allow the Common-haugh and Myreslawgreen for pasturing the horses and other carrying beasts that are to lead the stones, sand and lime, to the bridge, and order all *other beasts* to be discharged off the same during the time of building the bridge; and that *no divots* be cast on the said grounds for the time aforesaid.—*Council Records.*

1741.

The bakers are incorporated by Seal of Cause from the Council.—*Ib.*

“*July 29.*—Paid that was spent at the bridge by the bailies' orders, when the ki stone was perfited and closed.”—*Treasurer's Books.*

At Hawick was born Thomas Somerville, D.D.  
—*See Appendix, Note 13.*

George Wallace, *wool-comber*, is admitted burghess.—*Council Records*.

The Council empower the Bailies to banish two burghesses furth of the burgh, "in respect they stand convict of thieving, and to erase their names out of the Council Books as burghesses.—*Ib*.

1743.

A husband and wife being guilty of several thefts, consent to be banished furth of the town, and bind themselves never to return thereto, with certification if they do, that they shall be imprisoned for one year, and be *scourged* every month during said year, and thereafter be again banished, under such penalty as the Justices of Peace shall determine.—*Ib*.

Councillors are directed to pay 5 shillings each at entry, and councillors refusing to collect the bridge-money, are to be extruded the council.—*Ib*.

1745.

It is stated in the History of Hawick, published in 1825, that a party of the Pretender's officers, with Lord Balmerino at their head, stopped at Hawick for one night, on their way to Carlisle. The same authority adds, that the friends of the exiled family were numerous here; but this may be doubted, as none joined the rebel army. See, however, *ante*, 1716.

1747.

The council, considering the many debts and burdens the council are in, resolve to retrench some superfluous expenses, such as giving the officers broad cloth to be coats, and fine hats, in place whereof, they are to have coarse home-made cloth coats, and coarse hats, each coat not to cost above 3 half-crowns, and each hat not above 14 pence, and the town piper to have no allowance for playing at common ridings, or other such times, from the treasurer, but what people shall give him out of their own pockets; neither are the King's birth-days to be kept up on the town's expense, but out of the burgesses private pockets.  
—*Council Records.*

The Bailies and Council ordain the shoemaker and weaver trades to produce their books to the Magistrates against Wednesday the 8th instant, with certification if they failzie, their books will be disannulled, and the seal of cause broke.—*Ib.*

The Council approve of a stent laid on the new burgesses, for helping to pay the price contracted for the new bridge.—*Ib.*

Walter Freeman engages to mend and rectify the town clock, and to make her a right going clock. Also to furnish the iron work for the new addition for a dial-plate on the *west* side of the steeple. He also engages to alter the *easter* dial-plate as to iron work. This refers to the parish

church, where the only steeple and clock in the town was. Salary £1, 5s. yearly.—*Council Records.*

The Council resolve that the grammar school colour shall ride next the town's standard, the English school colour next, and the prentice colour last, at the common riding.—*Id.*

The regality of Hawick, comprehending a landward territory, probably co-extensive with the barony, is suppressed, and the Duke of Buccleuch, as Lord of the regality, receives from the Treasury £400, as compensation under the statute 28th George II. c. 43. Previous to this date, there were two local courts, having co-ordinate jurisdiction in civil matters, viz. the Bailies Court, and the court of the Lord of Regality, held by his depute, also styled Bailie. The criminal jurisdiction also of the former court was pretty extensive, but that of the latter was almost unlimited within the bounds. The Books of Regality, which are not in the General Register House, will probably be found in Drumlanrig Charter-room.—*See Appendix, Note 14.*

The Council resolve that the excrescence of the town's yearly stent, is to be applied in all time coming for paying the debt contracted by the town in relation to the new bridge, until said debt be paid.—*Council Records.*



1748.

“ To payed in Mr Weir’s (the town-clerk) in entering the Earl of Dalkeith and other burgesses £1.”—*Treasurer’s Books*. (This must have been the father of Henry, Duke of Buccleuch).

The Council resolve that there shall be no “*powdering*” at elections in time coming for the magistracy.—*Council Records*.

1749.

Bailie Howison, 5 others, and the Club of Hawick, lend the council £25 to pay off a bond debt, for which 7 bills are granted to them, to be repaid out of the excrescence of the town’s yearly stent.—*Ib.*

All *middings* on the streets are ordered to be removed.—*Ib.*

The Council resolve that no person to be hereafter chosen a Magistrate, shall *sell liquor* of any sort during his office-bearing, under the penalty of £5, and on conviction to be turned out of his office.—*Ib.*

“ No coler (colour) to be carried on the common riding day, but the town coler allenarly.”—*Ib.*

The trades ordained to choose their quartermasters before Michaelmas yearly.—*Ib.*

Mention is made in the books for the first time of the poor's stent, parties refusing payment of which are ordered to be fined, besides being poulded therefor. The assessment was then imposed on means and substance.—*Council Records.*

1750.

A burgess elected, but refusing to accept the office of Bailie, the person *next in votes* to him is appointed.—*Ib.*

Bailies since 1740, Gideon Rucastle, Robert Boyd, Francis Gladstains, Thomas Turnbull, James, John, and Walter Scott, (Skinners), Robert Ker, Gideon Scott, James Weir, clerk, William Dyce, grammar school teacher.—*Ib.*

1751.

Teviot Bridge contracted for by Bailies Turnbull and Scott 7 or 8 years before, already “stands in great need of having the pillars barricaded.”—*Ib.*

Act of Council passed, declaring verbal warnings of tenants 40 days before Whitsunday to be sufficient.—*Ib.*

1753.

William Kirk, *coallier* (probably coal *viewer*) in Musselburgh, is admitted an honorary burgess.—*Ib.*

The two town officers are each allowed ten

shillings Stg. of yearly salary, on account of their *age and infirmity*, and that during the pleasure of the Council, in all time coming.—*Council Records*.

1755.

The Council resolve that the Common shall be marched some days before the common riding.—*Ib.*

Resolution to bring in a well to the Cross from the *Wellygate*.—*Ib.*

“The Flesh Mercate” is stated to be finished at the cost of £20.—*Ib.*

By cash from Adam Kersel for Rowly-powly loft 3s. 2d.—*Treasurer's Books*. This is sometimes called the high loft, and was above the Bailies loft in the church.

Mr John Ramsay, *surveyor of coal*, admitted an honorary burgess.—*Council Records*.

1756.

The Council repeal all former acts against *peuthering*, and enact, “that whosoever has a mind to set up for the Magistracy, and peuther for it, shall be put in the Bailies’ Leet without any objection.”—*Ib.*

1757.

James Laurie is parish minister of Hawick. He died in 1783.

Population of the parish 2713.

1759.

— Scott, a native of the town, greatly distinguishes himself at the siege of Quebec, for which he received immediate promotion. He died soon afterwards. His widow survived him upwards of 40 years, and died in the neighbourhood of Hawick.

A company was established prior to this date for the manufacture of carpets, which was carried on by various parties till 1806.

1760.

“The town people are discharged from keeping geese, which are said to damage clothes bleaching at the water, and corns and green and open kail in the yards, and ordained to keep them alienarly at the muir.”—*Council Records*.

The Incorporation of Weavers renewed.—*Ib*.

Bailies since 1750, James and Gideon Scott, Thomas Turnbull, Charles Tudhope, James Scott, Robert Kerr, John Scott, Robert Scott, merchant, and Walter Ruecastle; James Weir, town-clerk; James Laurie, parish minister.—*Ib*.

1762.

The Council resolve to take down the Flesh Market *and Cross*, and to dispose of the stones and timber.—*Council Records*.

“By paid two labourers for *taking down the Cross*, and *Cross Wynd Port*, two days, at 10d. per day 3s. 4d. The Cross stones are sold for 11s. 6d.”—*Treasurer's Books*. (The Edinburgh and Carlisle Turnpike Road having been completed about this time, these were probably removed as obstructions. Before this road was formed, goods were carried on horses backs, called Pack horses, along miserable tracks, which crossed and recrossed the Teviot more than ten times between Hawick and Mossbail. Mr Chalmers says, “that the year 1764, is in Roxburghshire the epoch of road-making.”—*Caledonia*, v. 2. p. 146.

A public Library is established. It now contains upwards of 3500 volumes.

1763.

The parish church of Hawick is rebuilt with the combined contributions of the heritors,—the Trustees of Alexander Orrock,—the weaver trade,—the rural tenantry who carted the materials, and the burgh of Hawick, who furnished the bell,—the entire cost being, exclusive of the bell, £497.

A new manse was built at the same time, cost £200, defrayed by the landward heritors. A

new steeple bell, in exchange for the old one, to weigh 560 lbs. and cost £50, resolved on by the Council, for which the inhabitants are ordered to be stented according to their abilities, twice in the year, until paid.—*Council Records*. (This is the bell still in use. The clock is thought by some to be older, but the records are silent regarding it.)

1764.

Mr Robert Scott is Chamberlain to the Duke of Buccleuch.—*Ib*.

About this period Henry, Duke of Buccleuch, pays his first visit to Hawick, when he is welcomed by the Bailies “to his ain town of Hawick.”

1765.

The Council enact, “that it for ever should be a stated rule, that no man should thereafter pewther for the Magistracy.”—*Ib*.

The Antiburgher Congregation assembling at Mireslawgreen established. Dr John Young, the first incumbent, was ordained in 1767.

1766.

John Craigie of Kilngraston, Esquire, Advocate, is sole Commissioner of the Duke of Buccleuch.

The Council resolve to *let* part of the Common,

but to reserve such rising grounds or eminences as may be suitable for planting, either for use or ornament.—*Council Records*.

(These plantations were, with a trifling exception, not commenced until nearly 60 years afterwards. They are now in a very thriving condition, and ornament has not been lost sight of in laying them out).

This resolution of the Town-Council gives rise to a litigation with the Duke of Buccleuch regarding the common lands.

1767.

Lawrence Porteous, *Overseer of the high roads*, is admitted an honorary burgess.—*Ib*.

“On the 5th of August, the river Slitterick, which runs through Hawick, in Scotland, rose to an uncommon height, without any extraordinary rain falling that day, or for some days before, and the river Teviot was then fordable. It began to rise about four o'clock in the afternoon, and continued increasing till after six, when the water was 22 feet higher than usual. The consternation of the town's people is scarce to be conceived, for the water rushed into the streets with inexpressible violence, threatening universal desolation. Fifteen dwelling-houses, with the corn-mill at the end of the town, were presently swept away, and the very rock on which they were founded, washed so clean that not a bit of rub-

bish or vestige of a building was left. As no human assistance could avail, the minister of the place called the inhabitants to church, to supplicate Heaven to avert the judgment that seemed to threaten them. At the height of the flood, a servant-maid, belonging to a merchant of the town, recollected that her master had in the house (which was then surrounded with water,) about £300 in gold. Her master being from home, she acquainted the neighbours, and begged their assistance to recover it, but none of them would venture: upon which the girl herself waded boldly into the house, and got hold of the bag with the money, but, in coming out, she was carried down by the stream. Providence, however, interposed for her safety. She was cast ashore on a green, a little below the town, just alive, and the money grasped in both her hands, so fast, that, with some difficulty, it was removed. A little above the town, three houses were quite covered with water, except the chimney tops; they were in an eddy, which saved them."—*From the Annual Register for 1767.* This account is believed to be correct.

The east end of the old bridge was carried off by the flood.—*Council Records.*

Gawyn Douglas, who knew the Slitrig well 350 years ago, seems to have witnessed a similar outbreak:—



" Affrayit I glismit of slepe, and sterte on fete ;  
 Syne to the hous hede ascend anone,  
 With eris prest stude thare, als styll as stone :  
 Ane sound or swanck I heard thare at the last,  
 Like quhen the fire be felloun wyndis blast,  
 Is driuen amynd the flat of cornes rank,  
 Or quhen the burne on spait hurlis doun the bank,  
 Uthir throw ane watter brek or spait of flude,  
 Ryvand up rede erd as it war wod ;  
 Doun dingand cornes all the pleuch labor attanis,  
 And driuis on stiffly stokkis, treis, and stanis :  
 The silly hird seand this grisly sycht,  
 Set on ane pennakill of sum cragis hicht,  
 All abasit, not knawand quhat this may mene,  
 Wounderis of the sound and ferly that he has sene."

ENEID, Book 2.

It is to this inundation, and to the repeated destruction of the town by fire, that Leyden alludes, in a beautiful apostrophe :—

" Boast ! Hawick, boast ! thy structures rear'd in blood,  
 Shall rise triumphant over flame and flood ;  
 Still doom'd to prosper, since on Flodden's Field,  
 Thy sons, a hardy band, unwont to yield,  
 Fell with their martial King, and (glorious boast !)  
 Gain'd proud renown where Scotia's fame was lost !"

*Scenes of Infancy, Part 1.*

This flood is stated to have carried off most of the Trades' Records.—*Decree in 1781, in Freeman's Action*, p. 285.

1768.

Mr William Ogilvie is chamberlain of the Duke of Buccleuch at Bransholm.—*Council Records*.

A party convicted of selling leaves of thorn in place of *tea*, is ordained to be sent and *pinioned*, by tuck of drum, through the town, and the leaves to be burnt.—*Council Records*. This is the first mention of tea, which was probably then considered a great luxury.

1769.

A contract of copartnery is entered into, between John Elliot of Borthwickbrae, Walter Elliot of Ormiston, Thomas Turnbull in Minto, and William Robertson from Dunfermline, for the *manufacture of carpets*. This contract was renewed in 1779, between Mr Elliot of Borthwickbrae, Thomas Turnbull, second son of the former partner, and Mr Robertson, for seven years from 1778. The trade flourished for some time, but was abandoned about the year 1806.

An action of declarator and division having been brought before the Supreme Court, at the instance of the Duke of Buccleuch, proprietor of certain lands adjoining the Common, claiming a right of pasturage thereon, against the burgh, in which a proof had been led, the Council resolve to enter into treaty with His Grace's Managers, for a compromise. The Minute of Council is in the following terms:—

“*3d July 1769*.—Which day, the Magistrates and Town Council of Hawick, with the proprietors of particates and other inhabitants, burgesses

of the said town, under subscribing, being convened in the council-house, and taking into their serious consideration the present state of the commonty, or Common Muir of Hawick, from which the town, as a community, *reap no manner of benefit*, although some of the burgesses send their cows, horses, and sheep to pasture there, under the care of a common herd, being the only use to which the commonty can be applied in its present uncultivated state ; and that the community of the town of Hawick have no other common good, or public fund, to be applied for the exigencies, benefit, or utility of the said town ; and considering, that His Grace, Henry Duke of Buccleuch, who pretends that certain farms belonging to him, lying adjacent to the said commonty, have a right of pasturage upon the same, has raised a process of declarator and division of the said commonty before the Court of Session, in which a proof has been led ; and that, until either the said process shall be determined in course of law, or amicably settled with His Grace, and either the whole, or a certain part of the said commonty, be allocated to the town, as their undisputed property, the same cannot be set in tack, or disposed upon by them, or the rents thereof applied for the public uses, or benefit of the said town : And farther, considering that there is a process presently depending, at His Grace's instance, before the Sheriff-depute of Roxburgh here, against certain inhabitants of the town of Hawick, in relation to the multures payable by

them at His Grace's mill of Hawick, which is a general question that may affect the whole inhabitants, and concerning which a proof has also been led ; and the magistrates and town-council of Hawick, proprietors of particates, burgesses, and inhabitants of the town of Hawick, being desirous to avoid all law-suits with his said Grace, the magistrates and council, subscribing for themselves, and in name and behalf of the whole inhabitants of the said town, have nominated, constituted and appointed, and do, by this, their public act, nominate and appoint, Walter Ruecastle and William Elliot, present bailies ; John Gladstains, town-clerk ; William Scott, town-treasurer ; John Elliot, tanner ; Robert Scott, junior, baker ; James Dickson, merchant ; John Hardie, merchant ; James Rodger, wright ; or any five of them, a quorum, as commissioners for, and in name and behalf of, the magistrates and town-council, proprietors of particates, burgesses, and inhabitants of the town of Hawick ; giving, granting, and committing to the said commissioners, or quorum of them aforesaid, full power, warrant, and authority, to enter into a treaty with the managers for His Grace the Duke of Buccleuch, for compromising and settling all differences and disputes betwixt His Grace and the said town : And particularly, the foresaid two questions with respect to the Common and mul-tures, and to sign submissions, and all other deeds necessary for carrying the said treaty into execution, and rendering the same fully complete and

effectual ; and which deeds, so to be signed by our said commissioners, we oblige ourselves to hold firm and stable ; it being always hereby provided and declared, that no part of the said Common is to be subdivided amongst the proprietors of particulates, or other inhabitants of the town, and that the mosses and a part of the common are to be reserved for pasturage, fuel, fail, and divot, to the inhabitants, as formerly : And we all, unanimously, with one free full consent and assent, for ourselves, and as taking burden in and upon us, for the said town of Hawick, appoint and ordain these presents to be insert and recorded in our Town Court Books, by way of act, and ane extract thereof to be given, in all its heads, articles, and clauses, by our town-clerk, which we sustain to be as authentick as if a particular paper was granted by us, and each of us, to the effect above mentioned : And, in testimony of our adherence thereto, and to the whole premises, we have subscribed these presents, place and date foresaid."

Signed by 144 burgesses and owners of particulates.—*See Appendix, Note 15.*

1770.

Bailies since 1760.—Walter Ruecastle, Thomas Turnbull, James and John Scott, and William Elliot ; Thomas Wintrobe, and John Gladstains, conjunct clerks. Thereafter, James Weir, the second elected town-clerk in October 1768, who died in November thereafter, and was succeeded by the said John Gladstains.—*Council Records.*

At this date the burgesses were upwards of 200 in number.

1771.

The Burgher Congregation, assembling at Wheathole, now East Bank, established. Mr Williamson was the first incumbent.

The council resolve "that apprentices, journey-men, and others, not householders, shall have no vote at the election of magistrates; that none are entitled to vote but such as are householders, or masters of families; and that none shall be admitted as *candidates* without the consent of the council, as to the abilities and qualifications of the candidate.—*Council Records*.

The working of stockings, by frame knitting, is introduced by John Hardie. These are stated, in the History of Hawick, to have been of the linen and worsted sorts, which, however, gradually gave way to lambs' wool hose.

The carding and spinning of wool *by machinery*, for carpets, was commenced about the same period.

1772.

The assessment for the poor amounts to £224.

Samuel Charters, D.D., is appointed parish minister of Wilton.—*See Appendix, Note 16*.

1773.

"To spent in Mr Michael Stevenson's, with

the magistrates, at petitioning the mending of the old brig, damaged by the flood, with ane of the Buccleuch agents, 2s."—*Treasurer's Books*.

The Tower, which had hitherto been a private residence of the Buccleuch family, appears to have been about this date converted into an inn, under the management of Mr Stevenson (admitted a burgess in 1773), who was brought from Yorkshire for that purpose. Although the Mote and the old Bridge have been mentioned as the only works of antiquity we can boast of, there is reason to believe that a portion of the *tower* is also *very ancient*.

1774.

The rental of the burghal property is £1165. This is the earliest known valuation. The statement occurs in a memorial to counsel for the burgh in 1774.

A surveyor of the markets, and weights and measures, appointed by the council.—*Council Records*.

They resolve to submit their disputes with the Duke of Buccleuch to Lord Advocate Montgomery.—*Ib*.

1776.

Slitrig new bridge is completed about this period.

A farmer's club is established, stated to have been the first in the kingdom.

1777.

The arbiter, in the submission with the Duke of Buccleuch, pronounces an award, apportioning the common among the claimants as follows:—

	Scots acres.		
	A.	R.	P.
Robert Oliver of Burnflat, . . .	10	1	22
Duke of Buccleuch, . . .	329	3	20
John Laing of Flex, . . .	6	3	36
Thomas Turnbull of Fenwick, . . .	15	2	33
Robert Oliver, John Laing, and Thomas Turnbull, the south side of Whitchester moss, . . .	4	0	0
The Duke of Buccleuch the remainder of said moss.			
The Town of Hawick, . . .	852	1	28
	1219	1	19

or about 1075 imperial acres as the town's share, exclusive of Myreslawgreen and the two Haughs.  
—*See Appendix, Note 15.*

David Loch of Overcambie, inspector of the *woollen manufactures* of Scotland, admitted an honorary burgess.—*Council Records.*

1778.

In a memorial to counsel, mention is made of the “loathsome, wretched Jail of Hawick.”

*February.*—Resolution of the council to let



part of the Common, *now divided*, south of Pilmuirrig, as a small farm to Thomas Scott.—*Council Records*.

*April*.—A stent is imposed of 2s. for each horse and cow sent to the Common.—*Ib*.

*April*.—The council resolve, “that every stranger entering burgess shall pay £5 as the fee of admission.—*Ib*.

The burgesses having proceeded to elect a town herd (independently of the council), who was to pasture that part of the Common recently *let in tack*, as well as the rest, Walter Freeman and James Dryden, the leaders, are imprisoned on a Saturday, and, “under this confinement, in the loathsome, wretched Jail of Hawick, did these two patriots, one of them in bad health, without fire, and in other comfortless circumstances, remain till the Monday following, between two and three o’clock afternoon, when, by warrant of the Sheriff of Roxburghshire, to whom the bailies by this time had presented an information, they were hurried away from Hawick in the most insolent manner, and lodged in the Jail of Jedburgh, about six or seven o’clock of that evening, where they again remained until Wednesday thereafter, between one and two afternoon, that they were liberated upon finding bail to answer any crime or crimes the bailies, their council,

or any public prosecutor had to accuse them of.”  
—*Memorial for certain burgesses, dated 1778.*

Walter Freeman and others institute an action of declarator, with the view of enlarging the powers of the burgesses, concluding,—1st, That the burgesses were entitled to elect bailies, and other officers, without any other restriction than that these bear scot and lot, and reside within burgh.—2d, That it was not lawful for the bailies to give out leets of persons to be elected, so as to exclude the burgesses from electing bailies, &c. from other burgesses.—3d, That it was lawful to the other burgesses to propose and give out leets of persons to be chosen.—4th, That the persons so chosen should be entitled to act as bailies, &c.—5th, That the burgesses had good right to pasture cattle, and use other acts of possession on the Common, as formerly.—And, 6th, That the bailies, and all persons pretending to be tacksmen under them, ought to be discharged from molesting the burgesses in sending cattle to pasture on the Common as formerly. The adherents of Freeman were 205 in number, viz. particate burgesses 65, and burgesses not heritors 140.—*September.—Council Records.*

The council, it is stated, in consequence of the hostile feeling prevailing throughout the town, regarding the management of the burgh affairs, institute a counter action, so as to ascertain the

extent of their powers, &c.; concluding—1st, That the bailies and council had a right, from immemorial use, to give out leets, and that the burgesses were limited in their choice to the persons therein named.—2d, That they had also the sole power of regulating the pasturage of the Common, and fixing the number of bestial to be sent.—3d, That they had farther the power to let in tack such portion of the Common as might be necessary for payment of the debt contracted in the division of the Common, in the inclosing thereof, bringing in water, rebuilding the town-house, and other necessary purposes;—and, 4th, That they were also entitled to lay down rules for the guidance of the town herd.—*September.—Council Records.*

1780.

In these actions the Lord Alva, Ordinary (22d Feb.), pronounced judgment, finding no evidence of any practice to justify a deviation from the charter of 1537;—that the right of electing bailies and other officers was in the burgesses;—that there was no right in the bailies for the time to limit the privilege of being elected to any leet to be given out by them, but that, for expediency, they might do so, reserving power to any voter to make additions thereto, by applying to the bailies, before the commencement of the election;—that there was no evidence of a right being vested in the bailies of appointing a council;—that, from the general tenor of the records produced, the council therein mentioned

had originally been, and ought for the future to be, the deacons and quarter-masters of the trades; and that the bailies, with their consent, had the nomination of the town herd, and other inferior officers.—*Decree*, p. 223. This decision, although not adhered to, was long, and very naturally, regarded with affection by the burgesses, as maintaining, in its integrity, the Douglas charter of 1537.

Mr Adam Ogilvie, advocate, is chamberlain of Buccleuch at Branhholm.

Bailies since 1770.—John Hardie, Andrew Scott, William Elliot, John Wilson, James Dickson, Thomas Turnbull, and William Irvine; John Gladstains, town clerk.—*Council Records*.

#### 1781.

The Court of Session (11th August) pronounced judgment in Freeman's case, altering the decision of Lord Alva, Ordinary, empowering the magistrates to let the Common, fixing the number of the corporation at thirty-one, and establishing the system of self-election, &c. The decision is stated in the council-book to have been unanimous (vol. iii. p. 59). It is stated in the pleadings, that "the Common of Hawick is a valuable and large property, but (it is alleged) that it had been rendered of little value (previous to its division in 1777), by the number of conterminous heritors sending their cattle to feed on the said

common, and by each person sending many more cattle than the common was sufficient for maintaining."—*See Appendix, Note 17.*

The council resolve to rebuild the town-house.  
—*Council Records.*

The timber in the old council-house is sold for £1, 6s.—*Treasurer's Books.*

This building was of a homely description, the rafters, visible from beneath, giving it the appearance of a common barn. The roof, like the other buildings of that period, was thatched.

They also resolve to purchase a bell therefor ; the parish church bell being then the only one in the town.

*N.B.* The town-house bell cost £24, 14s.—*Ib.*

The sum of £800 is borrowed, to discharge the debts owing by the burgh.—*Council Records.* These debts appear to have been chiefly contracted for the erection of Teviot Bridge and the town-house, in the two law-suits with the Duke of Buccleuch and Freeman, and the submission anent the commonalty.

The council resolve to admit no person from the country, buying a property in the town, as a burgess, until he shall come to reside therein.—*Ib.*

1782.

The Common Haugh is let, on a lease, to the

Hawick Inkle Company, as a bleach-field, for thirty years, at £5, 12s. The Easter Common Haugh (now Teviot Crescent), for 15s., and Myreslaw-green for £8,—all of yearly rent.—*Council Records.*

Received from the showman, for the Rogues' Hole, 1s. 6d.—*Treasurer's Books.* It is sometimes called the Thieves' Hole.

In this, or the preceding year, a printing-press was introduced by Mr George Caw. One of its earliest productions was, *The Poetical Museum*, containing, amongst others, *Eskdale*, a poem, by the late Thomas Telford, engineer, published in 1784. This was followed, in 1786, by Dr Charters of Wilton's *Sermons*.

The council resolve to feu or let the Sandbed, now Teviot Square, in lots, for house-steads, for 99 years.

On the ground that although the commonity is now divided, neighbouring tenants and others are nevertheless making continual encroachments upon the town's part, the council, by a majority, resolve to enclose the same, and to borrow £200 for that purpose.—*Council Records.*

1783.

The council resolve to introduce good spring water into the town, to erect two street wells,—

one at the Cross, and the other at the foot of the Midrow, and to borrow £200 to defray the expense.—*Council Records*. (The practice of imposing stents to effect public improvements, seems to have ceased after the division of the Common.)

John Ainslie, a burghess of Hawick, but residing at Allers, beyond the burgh roods, petitions the council for permission to pasture his cow at the Common. The prayer is granted, on his paying the extra fee of 8s. for the privilege, besides the herd's dues.—*Id.* This is important, as shewing that a burghess lost his burghess right by ceasing to reside within burgh.

“Paid in John Kedzies, when axing liberty for the Dran in his Park for the Well, 1s.”—*Treasurer's Books*. (This spring, in the Well o' Gate, now affords a valuable supply of water to the town.)

#### 1784.

Resolution of the council to discontinue the practice of levying the poor's rates by assessment on means and substance, and, in lieu thereof, to assess owners of heritages according to their rents. This last mode was followed for the ensuing sixty years, the burgal proprietary, in more recent times at least, paying one-third of the assessment for the whole parish. (In the memorial to council, already referred to, in 1778, it is stated, that “long ago the magistrates and coun-

cil thought it expedient to undertake the burden of paying a *fourth part* of the poor-rates, and which, to this day, continues to be levied by a tax upon the burgesses.”)

Thomas Sharp is appointed parish minister. He was translated from Ettrick to Hawick, and afterwards retranslated to Corstorphine, in 1789, where he died in 1791. It has been said that he quitted Hawick in consequence, as he alleged, of his inability to govern the people. His new flock seems to have been no better, as he was accustomed to avow, there, that he loved even a dog if it came from Hawick.

1785.

The council resolve to have the streets properly paved,—the Duke of Buccleuch agreeing to defray one-half of the expense.—*Council Records.*

The marches between the burgh lands and those of the circumjacent heritors, fixed by an arbiter's award.—*Ib.* 1787.

The dykes inclosing the Common are completed,—the Duke of Buccleuch and the burgh defraying the expense thereof in equal moieties.—*Treasurer's Books.*

A cattle market or tryst is established by the council, to be held yearly, in October.—*Council Records.*



1786.

The Duke of Buccleuch contributes £100 towards the erection of the town-hall, for which, "the meal and butter market shall be open for the conveniency of the market, and the use of the tacksman of His Grace's customs, and the tacksman shall possess the weigh-house till such time as the house falls, or decays so much as to render a new one necessary."—*Council Records*.

1787.

Pilmuir, or Muir Farm, containing 250 acres, let to Mr John Wilson for £56 yearly.—*Id.*

The Duke of Buccleuch executes a grant of a piece of ground and water-fall, in which his anxiety to promote the woollen manufacture is expressed. He had, some years earlier, granted land, with a water-fall, for an inkle manufactory, and for bleaching; but this trade, after thriving for a good many years, was discontinued.

1788.

The cattle-stent is fixed at 4s. for each beast.—*Id.*

A great portion of the common, called "Girnside Bog," is stated to be drained.—*Id.*

1789.

The burghal property is valued for the poor's rates at £664, but this was probably only one-

half of the real rent, shewing an increase of rent of £163 since 1774.—(*See Appendix*, 15.) The number of proprietors is stated to be 228, and the rate of assessment 11d. per pound.

1790.

The town-clerk having reported that the clerks to the Bill-Chamber had refused to pass a *horing* on the magistrates' *decree*, he is directed by the council to apply to the Court therefor, at the town's expense.—*Council Records*.

Divots are prohibited from being cast at the Common, except for *thatching houses*.—*Ib*.

Robert Gillan appointed parish minister.

The practice of riding the Common *holstered* was discontinued about this period.—*Ib*.

Bailies since 1780,—Thomas Turnbull, John Hardie, William and John Elliot, William Scott, James Dickson, and Walter Purdom ; James Inglis, clerk.—*Ib*.

1791.

Population of the parish, 2928.

At this period there were 14 men and 51 women employed in connection with the woollen manufacture, who produced 3500 pairs of lamb wool hose, and 600 pairs of cotton hose yearly.

The council dispose of two building areas in the centre of Sandbed, now Teviot Square, for £56.—*Council Records.*

The council resolve to apply to the statute-labour trustees for permission to remove the *fore stairs* throughout the town, now that the streets are in the course of being paved.—*Ib.*

Sir Gilbert Elliot of Minto and Dr Charters of Wilton, the one in the House of Commons, as M.P. for Roxburghshire, and the other in the General Assembly of the Church of Scotland, advocate the repeal of the Test and Corporation Acts, in speeches of great ability and eloquence. In the House of Commons, the motion for repeal was made by Sir Gilbert.

#### 1792.

The expense of paving the streets amounts to £450, defrayed by the Duke of Buccleuch and the burgh in equal moieties.—*Ib.*

Resolution of the council to feu both sides of the road named Hawick Lone for buildings.—*Ib.*

The Bank of Scotland has a Branch here, under the management of Mr William Oliver.

#### 1793.

A public meeting of the inhabitants, to discuss the subject of peace or war with France, takes

place, when the friends of peace, led by Dr Charters of Wilton, triumphed over the war party, headed by Francis Lord Napier of Wilton Lodge.

It is stated, in the History of Hawick, that at this period, a meeting, at which Lord Napier presided, was held, when resolutions to support the measures of Mr Pitt were carried.

The use of the town-hall, for a meeting to discuss Parliamentary Reform, is refused by a majority of the council. It is stated, in the History of Hawick, that a meeting was nevertheless held in the town, when resolutions in favour of reform were adopted.

In a communication from the town-clerk to another burgh, describing the nature of the jurisdiction, &c. of the magistrates, the following just views are expressed :—"Hawick possesses all the privileges of royal burghs, except that of sending a representative to Parliament, for which it need not repine, as it is thereby freed from many temptations to idleness and dissipation, to which the inhabitants of royal burghs, by their politics, are subjected."

About this period, or perhaps somewhat earlier, the practice of interring deceased paupers in a coffin having a false or sliding bottom, was discontinued.

1794.

"The hind or the shepherd now lives better

than the farmer did fifty years ago. And the farmer now keeps a better house than was then kept by the lord of the manor. I well remember the time when sixpence a day, without victuals, was considered as good wages for a labouring man; now, in the same part of the country, a shilling is thought but moderate. Meal was seldom below 1s. 6d. the stone at that time, and now it is little more than 2s."—*Essays by Dr John Young of Hawick*, 1794.—The condition of the working man has improved prodigiously since that period.

1796.

The street fuilzie seems to have been *let* prior to this date.

A statute having been passed for raising a certain number of men in Scotland for the service of the army and navy, under which, the quota for the town of Hawick was three men, or in lieu thereof £25 each; the council advance the requisite sum.—*Council Records*.

1797.

The council resolve to introduce water into the town from Sclider Springs by leaden pipes, and to erect six wells therein, at the cost of £500. The money was directed to be borrowed.

1798.

The assessment for the poor is increased to 1s. 6d. per pound.

The Roxburghshire Regiment of Volunteers was raised, which many of the men of Hawick join.

A donation of £25 is presented to the corps by the burgh, to purchase drums, fifes, &c.—*Council Records.*

1799.

About this period, the street called the Crescent is commenced.

The house called the Garrison, said to have been occupied by Hab o' Hawick, and once a place of great strength, is pulled down and rebuilt. The Post-office in Silver Street now occupies its site.

1800.

James Arkle is appointed parish minister. He was translated from Castleton, and died on 16th March 1823.

Bailies since 1790, Walter Purdom, James Oliver, John Hardie, William Scott, and Walter Wilson, James Inglis, clerk.—*Ib.*

A committee of council report, that the quantity of *dry land sods* casten upon the muir on the dry land is amazingly great, and that if not checked the muir will in a short time be ruined, whereupon the council resolve to punish the transgressors.—*Ib.*

The inkle manufacture, which had been a thriving trade, was discontinued soon after the commencement of this century.

The British Linen Company established a branch at Hawick about this date.

At Hawick, died Mr John Hardie, by whom the manufacture of stockings had been introduced thirty years before.

1801.

The council resolve to *drain* Hawick Moss.—  
*Council Records.*

The assessment for the poor within burgh is increased to 2s. 4d. per pound. (This was a year of famine).

1802.

The town is illuminated on occasion of the the Peace of Amiens.

The council decline subscribing towards the erection of two new bridges over Slitrig, in consequence of the low condition of the burgh funds.

The Trades' Library is instituted. It now contains 1400 volumes.

The colonel and two other officers of the 42d Regiment, are created honorary burgesses, when

passing through Hawick on their way from Egypt, where they immortalized themselves by defeating "the French Invincibles."—*Council Records.*

## 1803.

The council, on the eve of a contest for the office of town-clerk, direct the bailies to admit as burgesses all persons bearing scot and lot, above the age of 16 years, and all burgesses sons of that age, whether living in family with their parents or not. A considerable number of individuals were then admitted as burgesses; but to the credit of the inhabitants none of them were minors.—*Ib.*

The burgesses are 211 in number.

"The Council resolve that the piper shall not be any longer continued."—*Ib.*

## 1804.

Footpaths directed to be formed by the council in the west end of the town.

## 1805.

Mr Adam Ogilvie, the Duke of Buccleuch's chamberlain at Branhholm, consults the council regarding the appointment of a successor to James Inglis, parish schoolmaster.—*Ib.*

In an action, *Graham v. Oliver*, the Supreme



Court held, that Hawick is a burgh independent of the superior.—*Morrison's Decisions* voce *Jurisdiction*, *Appendix*, 15.

The town is illuminated in honour of the victory at Trafalgar.

1806.

At Hawick, died Dr John Young, minister of the Antiburgher Congregation.—*See Appendix*, *Note* 18.

The council resolve to heighten the steeple of the Town Hall, and to place a clock therein.—*Council Records*.—Hitherto, there had been only one public clock in the town.

The police of the town engages the attention of the council, by whom an improved system is adopted.—*Ib*.

1807.

About this period, a mail coach commenced running between Carlisle and Edinburgh *via* Hawick. There had for some time previously been a stage coach on this road, running two or three days a-week.

1808.

The council resolve that the bailie who is in the second year of office, is the eldest bailie, and entitled to preside at their meetings.—*Ib*.

1809.

They also resolve to purchase a fire-engine, of which the town was much in want.—*Council Records*.

1810.

Bailies since 1800, Walter Wilson, John Nixon, James Dickson, William Scott, James Simpson, and James Elliot; James Inglis and John Oliver, town-clerks.—*Ib.*

Hawick is described by Chalmers' in his *Caledonia*, as having been raised by the fostering hand of a benevolent master to industry and wealth.—Vol. ii. p. 176.

1811.

The parish churchyard, hitherto uninclosed, is inclosed by a stone and lime wall with gates.—*Heritor's Books*.

Population of the parish, 3688.

The Relief Congregation is established about this period.

At a festive meeting in honour of the appointment to the Regency of the Prince of Wales, afterwards George IV., who was then popular in Hawick, Bailie James Oliver proposed as a toast, "The mucking o' Geordie's byre."

1812.

Died, Henry, third Duke of Buccleuch and fifth Duke of Queensberry, superior of the burgh, a patriotic nobleman, of which Langholm, Hawick, with other towns, and the great road from Scot's Dyke to Haremooss are monuments.

Upwards of 100 officers, prisoners of war taken in the French ranks were stationed here, and remained till 1814. They were natives of France, Germany, Poland, &c. The presence of so many well dressed persons for so long a period, produced a marked reform of the costume of the inhabitants.

An election takes place for the representation of Roxburghshire, at which Mr Don of Newton, and the Hon. Gilbert Elliot of Minto were the candidates. Mr Elliot, who was in the Liberal interest, carried his election by 65 to 58 votes. Only two of the voters resided *in Hawick*.

1813.

The council resolve to light the streets with sixty oil lamps. And to enable them to defray the expense, to raise the cattle-stent to 13 shillings for each horse or cow sent to the Common by burgesses, and 25 shillings if sent by non-burgesses. This leads to an action at the instance of certain burgesses against the council, but the Court of Session held, in 1816, by a majority of four Judges to one, that the resolution was war-

rantable and legal.—*Council Records*.—*See Appendix, Note 19.*

The town is illuminated in honour of the victory at Leipsic.

1814.

Valuation of houses and lands within the burgh for the poor's rates, £3717,—rate of assessment, 21d. per pound.—*Council Records.*

The improved road to Carlisle by the Pipewellheugh commenced. It was completed and opened in 1815.

About this period died at Hawick, Miss Langlands, the descendant of Longueville, afterwards named Langlands of that Ilk, the friend of Sir William Wallace. Opposition was made to the interment taking place within the walls of Wilton Church, but Dr Charters, although disapproving of the practice, would not suffer the last of an ancient race to be separated from her forefathers.

Bailies since 1810, James Elliot, James Oliver, James Dickson, Peter Wilson, James Goodfellow, Robert Armstrong ; John Oliver, town-clerk.—*Ib.*

The income of the corporation exceeds £400 per annum.—*See Appendix, Note 20.*

The following statement shews the extent of the woollen trade at this period :—

7 Carding Mills, containing  
44 Engines or Scribbling Machines, and  
100 Spinning Jennies.

Quantity of wool spun, 12,000 stones yearly.

Quantity of stockings manufactured, 328,000 pairs yearly, by 510 stocking frames.—*From Brewster's Edinburgh Encyclopædia, Article "Hawick," 1816 ;" See Appendix, Note 21.*

At or about this period, a Sabbath school is established by the Rev. James Henderson, Burgher minister here, which is said to have been the first in Scotland.

The town is still supplied to a considerable extent with coals, carried on the backs of ponies from the borders of Northumberland.

About this period, the burgh adopt the common seal now in use.—A correct representation of which is here given.



Various places in the town, and at and adjoining the Common, have undergone a change of name, and in some instances cannot now be identified. Among these may be named Burnford, Hollow Burn betwixt Meikle and Little Whitlaw, Pilmure Syke at the head of Flex inclosures, Greenside or Girnside Bog, Blackgrain Moss, Weatland Burn, Iverburn, Reidwell-knows, Tup-Knows, Hackman's Dub, Craggyburn, near Hawick Moss Brow, Crawstruthers, Racerig, Bailiehill, Usuch Haugh, Lochdail, Appolsyde Milne, Jamieson's Croft, Crumble-town Croft, Round Croft, Nichol's Croft, and Watch-know.

The following names of persons, nearly 150 in number, contained in the Hawick Records, are no longer to be found in this place :—

Adkins.	Bower.
Air.	Bracke.
Alison.	Burn.
Badie.	Burntfield.
Ballingall.	Carruthers.
Barclay.	Cessfurd.
Barry.	Chalmer.
Bennet.	Chapman.
Binks.	Christie.
Binnie.	Claperton.
Bisset.	Cockburn
Blair.	Connel.
Boustoun.	Courtney.

Cozans.	Heart.
Craghall.	Hepburne.
Craigge.	Heuchin.
Cramond.	Hewie.
Cudbertson.	Hod or Hud.
Dalziel.	Howburne.
Daniel.	Huttone.
Dobie.	Jollie.
Donald.	Junck.
Donaldson.	Kay or Key.
Dyce.	Keine.
Fair.	Kinnaird.
Fairlie.	Lands.
Falsyd.	Langlands.
Farnielaw.	Lauder.
Fawlaw.	Learmonth.
Fleminton.	Leilburn.
Forman.	Lidderdale.
Forrest.	Lindsay.
Foster.	Lorane.
Foullar.	Lowden.
Garvie.	M'Kan.
Gay.	Mackleanall.
Gifford.	Mackquillones.
Gillespie.	Mackwatie.
Givan.	M'Lellan.
Gorman.	Makgill.
Greenshields.	Manual.
Greg.	Mertine.
Grier.	Moirane.
Haitley.	Moor.
Hasswell.	Morlo.

Morton.	Sanderson.
Moscrope.	Schorte.
Moss.	Shand.
Mylne.	Shein.
Naper.	Simpson.
Neilsonne.	Somerville.
Newbie.	Stirling.
Nimmo.	Stoddart.
Norvell.	Stot.
Oliphant.	Swan.
Orrock.	Sword.
Osborne.	Syd.
Palmer.	Tunno.
Panton.	Turpin.
Plendergaist.	Tweedie.
Polwart.	Vair.
Poutrie.	Waddell.
Press.	Waderstone.
Preston.	Watt.
Purcell.	Weir.
Quarrie.	Wellands.
Ramsay.	Whattowne.
Reidfurd.	Wigoune.
Rennison.	Wilkinsonne.
Routlach.	Wishart.
Rucastle.	Wood.
Runciman.	Wright.
Sadler.	Wyllie.



**SUPPLEMENT.**

[The Manuscript, from which the subjoined record has been printed, has slumbered, apparently unnoticed, for more than two centuries amongst the Archives of the burgh of Hawick. It would not now have been disturbed, had the fact not become known to the Editor that no similar record, of so early a date, has been preserved in the General Register House at Edinburgh. It thus seemed worthy of publication, as forming a connecting link in the chain of our Scottish judicial annals.

The record itself probably found its way hither in consequence of Mr Gilbert Watt, town-clerk of Hawick for at least twenty years prior to 1658, having also been Clerk of Circuit.]

## SUPPLEMENT.

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“ THE COMMISSIONARIS COURT BUIK OF THE  
SHERIFDOMES OF BERVICK, SELKIRK, PEIBLIS,  
JEDBRUGH, DUMFREIS, AND STEWARTRIES OF  
KIRKCUDBRYCHT AND ANNANDAILL, QUHAIR-  
INTILL GILBERT WATT, NOTAR, IS CLERK, BE-  
GUNNE THE XXI OF MAIJ 1622, AT DUMFREIS.  
(S. S.) “ GILB. WATT, CLK.”

---

Commissioners Court of Justiciary of the Sheriff-  
doms of Berwick, Roxburgh, Selkirk, Peiblis,  
Dumfreis, and Stewartries of Kirkcudbright  
and Annandale, haldin and begun at Dumfries,  
the xxj day of May 1622, be Walter Erle of  
Buccleuche, Lord Scott of Whitechester and  
Eskdaill, Sir Andrew Ker of Oxnam, Knycht,  
Master of Jedburgh, Sir Williame Seytounne  
of Kyllismure, Knycht, and Sir John Murray  
of Philiphauch, Knycht, Commissioners ap-  
poyntit be our Souerane Lord, under His  
Majesties Greit Seale for that effect; Gilbert  
Watt, notar-public, clark; Williame Carnewath,  
Robert Scott, messingers, Steven Young, officer,  
and John Douglas, dempster.

The Court lawchfullie fencit, &c.

The said day, Andro Ker of Roxburgh, his band,

qrby he was bundin and obleist for the entrie of George Turnbull of Belshes, was continewit to the next Justice Court, to be halden at Jedburgh, and the samyn band to stand in full effect as it is, under the paines thairin contenet.

The said day, Williame Armestrang, callit of Chinglis, enteret Willie Armestrang, callit Pattenis Willie, and stands cautioner for his entrie the morne to his call, under the paine of v<sup>c</sup>. merks.

The said day, Thomas Hendersonne, in Langscha, enterit Williame Litstar in Wysbie, and stands cautione for his entrie at his call nixt call, under the said paine.

The said day, Thomas Kennedie of Halaithes enterit Adame Jonsoune in Lochmabane, and stands cautione for his entrie at his nixt call, under the fore-said pane.

The said day, Jon. Dicksoune, younger, in Dumfreis, is contenewit as cautioner to the next day for ye entrie of Robert Kennedie, callit of Halaithes, under the said paine.

The said day, James Irwing of Cleucheid actit himself as cautioner and souertie for Edward Irwing, sone to Jaffray of Robgill, that he sall compeir at his call ye nixt day, and underly His Majesties lawes for all causis criminall to be laid to his charge, under the pane above written of v<sup>c</sup>. merks.

The said day, Thome Carruthers, callit of Normandie,

enterit upon pannel, and Williame Irwine in Auchinga-will actit himself as cautioner for his entrie at his call the nixt day, under the foresaid pane.

The said day, Archibald Glendining in Fiddeltonne, enterit Andro Glendining, his brother, upon pannel, and actit himself cautioner for his entrie to his nixt call, under the pane of v<sup>c</sup>. merks.

The said day, William Irwing in Auchingawill, actit himself as cautioner and sourtie for James Irwing, his brother, that he sall compeir personallie, and enter upon pannell, and underly his hienes lawis at his nixt call, under ye said pane.

The said day, Thomas Jonstoune of Beirholme, enterit John Johnestoune in Beatok upon pannell, and actit himself anew againe, as cautioner for him for his entrie befor His M<sup>a</sup>ties saids Commissioners at his nixt call, under ye pane foresaid.

The said day, Johne Jardane of Apilgirth, actit himself as cautioner and sourtie for William Carutheris, brother to the Laird of Howmaynes, that he, his wyf, bairnes, men, tennents, nor servands, nor na utheris quhom he may stop or latt, sall not truble, molest, nor injure Johne Gask in Kirkstyle of Rwell, his wyf, bairnes, servands, men, tennents, cornes, cattell, guidis, nor geir uther wayes, nor be order of law and justice in time cuming: And that he sall keip His M<sup>a</sup>ties peice, and all His Hienes liegis, under the pane of fyve hundredrethe merkis money; and the said Williame Carutheris actit, and band and obleist himself judicillie to warrand, freith, and relief the said Johne Jardane of Apelgirth of his becoming cautioner for him in the premises.

The said day, Launcelot Murray in Arbigland, bailie to the Laird of Cockpule,\* actit himself as cautioner and souretie for John Gask in Kirkstyle of Rwell, that he, his wyf, bairnes, men, tennents, nor servandes, nor nautheris whom he may stope or latt, sall not trouble, molest, nor injure William Carruthers, brother to the Laird of Howmaynes, his wyf, bairnes, men, tennents, servands, corn, cattel, guidis nor geir, utherwayes nor be order of law and justice in tyme cuming; and sall keip His Majesties peace to all his hienes lieges, under the pane of fyve hundreth merks money; and the said John Gask actit himself to relief the said Lancelott Murray of his becoming cautioune for him in the premisses.

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At Dumfries, the xxii. day of May 1622 yeirs,  
being the second day of the said Court of  
Justiciarie.

Sederunt: Domini Commissionarii ut in die preceden.

George Reddick in Dumfreis, Procurator-fiscal.

The quhilk day, in presens of ye said Commissioners, being sitting in judgment, the persons under namet being oftymes callit upon and entering upon pannell to underly His Majesties lawis, and desyrit and remittit thameselfis to the tryell of ane assyze.

PANNELL.

Mathew Lytle in Newlandis.

Alexander and Johne Lytle, his sones, thair.

Johne Armestrang, callit Bould Jok, in Quhitlesyde.

Willie Armstrang, callit Patennes Willie.

Thomas Lytle in Barclayes.

\* *Laird of Cockpule*,—ancestor of the Earl of Mansfield.

Adam Henrie in Logane,  
 Adam Mairtenne, son to Rob Mairteine in Logane.  
 Gilbert and George Irwings, callit Quhytcllockis.  
 Walter Lytle in Bombie.  
 Syme Armestang, callit Quhythauch, in Meidhoip.  
 Hector Elliott in Rig.  
 George Colthart, servitor to Jaffray Irwing.  
 Richart Irwine, callit Gawines Ritchie.  
 George and Williame Litstares in Wysbie.  
 Johne Aitchiesonne in Corryphen.  
 Thomas Warrick in Pottum.  
 Thomas Lytle in Dougland.

## PERSONNES OF ASSYSE.

Johne Lyndsay of Auchinskeoche.  
 Gawine Johnstone in Midlegill.  
 Robert Hereis of Killilour.  
 Thomas Dunbar, brother to Harbert Hunter in  
     Halywood.  
 John Thomsonne in Kirkland of Tarregillis.  
 Thomas Wricht in Carruquhane.  
 Williame Glendinning of Laggane.  
 David Neilsonne of Barnecaillie.  
 Williame Veitch of Skar.  
 Robert Scott, laitt bailie of Hawick.  
 Robert Scott, Westport in Hawick.  
 John Dickiesonne, provest of Peiblis.  
 Williame Elliott, laitt provest of Peiblis.  
 James Keine, laitt bailie of Selkirk.  
 William Scott, callit of the Pillaris, laitt bailie yr.

Qlkis personnes of inqueist being all resavit, sworne,  
 and admittit judicialle.

Compeirit Maister Lues Stewart, advocat, as prōr

for John Aitchisonne in Corryphen, and allegit that the first poyntt of dittay is not relevant; in respect it condescendes not that the said John Aitchiesonne was in his awin hous quhen his brother is alledgit to cum fra his hous, quhen he saw the guidis contenet in ye dittay ; and, farder, the dittay condescends not ye day, bot about Michaelmas last, or yrby, in generall, so aught nott to pass to ye tryell of assyse.

The haill inqueist abone namet chusit the said Johne Lindsay of Auchinskeoche chancellor.

Item, quhair George and Williame Litstaris in Wysbie, wer indytit and accusit for airt and pairt of the thyfteous steilling, conseilling, resett, and away takin of ane kow perteing to Johne Caruthers, callit Lang Scheiris, furth of ye lands of Blacketrig, in November Im vic and twentie yeirs ; and for airt and pairt of the thyfteous steilling, &c. of five scheip, perteing to John Johnstone in Wysbie, in the month of December last. Clengit and acquite of baith.

Item, quhair Hector Elliott in Rig was indytit and accusit for airt and pairt of the thyfteous steilling, &c. of twa fatt scheip fra Andro Lytle in Rig, in October Im vic nyneteine yeirs. Clengit therof.

Item, quhair he wer inditit for steilling, &c. of twa yowis fra Jon Lytle in Fingland, in Marche last ; and for ye steilling of twa yawis fra Alex. Lytle in Newland, in November 1621 yeirs ; and for the steilling, &c. of twa yowis fra Johne Donaldsonne in Dardurane furth yrof, in Marche last ; and for ye steilling of ane yow fra Cristie Elliott in Rig, in Februar last ; and for interteneing and resetting of Hector Nicolsonne, his



mother's brother, and declairit fugitive and outlaw. Clengit and acquyte of the haill.

Item, quhair George Colthart, servitor to Jaffray (Irwing), is accusit for airt and pairt of the steilling, &c. of ane stott of thrie yeir auld, perteneing to John Bell in Butter daillis; and for airt and pairt of the steilling, &c. of six ky and oxin fra Robert Mundell in Tinwald, and William Makmorrane, ye first yrof in October 1620 years; and for the steilling, &c. of twa ky perteneing to umqle Adam Corsane, mert burgess of Dumfreis, furth of ye landes of Cocklekis; and for ye resetting, manteneing, and intercommuning with Ritchie Irwine in Wodhous, and Jaffray Irwine of Rabgill, fugitives and outlawes. Clengit and acquite of the haill.

Item, q<sup>r</sup> Thome Lytle of Barclayes is indytit and accusit for airt and part of the thyfteous steilling, &c. of four rouch unclippit scheip fra Jon Makgill in Kirkconnell, upon the xiii day of May instant, furth of ye landes yrof; and for airt and part of ye steilling, &c. of thrie laid scheip upon the said xiii day of May, perteneing to John Fostar in Galahalis, furth of ye lands yrof. Clengit of ye haill.

Item, q<sup>r</sup> Richart Irwing, callit Gawines Ritchie, is accusit and indytit of airt and pairt of ye steilling, &c. of fyfteine wedderis, perteneing to Baillie Nicolsoune in Parkburne, furth yrof in December 1616 years; and for steilling, &c., resetting of ane meir perteneing to umqle Laird of Skaillis, furth of ye landes of Skaillis. Clengit and acquyte of thame baith.

Item, q<sup>r</sup> Syme Armestrang, Quhithauch, is accusit for

airt and pairt of the steilling, &c. of ane carcase of salt beiff fra Andro Lytle, blenkar in Raeburne, in anno 1619 yeirs; and for ye steiling of ane sack of fustiane fra James Lyndsay and his brother, pedleris and merchanda, furth of thair packis at Candlemas last; and for the steiling of thrie hors and meirs furth of Ingland, in anno 1616 yeirs; and for ye steiling, &c. of ane naig fra Rob Grahame in Howend, in June 1619 yeirs. Clengit of the hail.

Item, q<sup>r</sup> Gavine Armstrong, callit Gavine of ye Hill, is accusit and indytit for steilling of ane meir of four yeir auld furth of the lands of Hershaw, in May 1620 yeirs, perteneing to Jon Grahame yair. Clengit therof.

Item, q<sup>r</sup> Mathew Lytle in Newlands, Alex. and Johne Lytle his sones, yair, is indytit and accusit for airt and pairt of the steilling, &c. of threttene cheissis, ilk ane of thame of ten pounds wecht, out of the dwelling hous of Thome Lytle in Dewglen, in November last; and for the resetting, supplieing, and interteneing of Thomas Lytle in Tailend, and Wattie Batie, callit Peggies Wattie, declairit fugitives and outlawis; and for the resetting of certaine scheip, stolen be the said Thomas Lytle, fugitive, furth of ye lands of Netherbie, perteneing to Willame Mosgrawe, Inglismanne, twa yeirs syne or therby; and for steilling of ane greit swyne perteneing to Jon Lytle in Craig, and Will Lytle yair, furth of ye Craig, ane yeir syne or yrby; and for the steilling, &c. of ane thrie yeir auld quye perteneing to Johne Hoip in Craig, furth of the landes yrof, thrie yeir syne; and for steilling, &c. of ane yow perteneing to Thomas Lytle in Hairlaw, furth yrof, ane yeir syne or yrby. Clengit and acqyte of the hail.

Item, q<sup>r</sup> Thomas Lytle in Dowglane is indytit and accusit for steilling, &c. of six stane of cheis fra Johne Armestang, callit of Chingles, furth of his chalmer in Newlandis, in Merche last. Clengit thair of.

Item, q<sup>r</sup> John Aitchisonne in Corryphen is indytit and accusit for airt and pairt of the steilling and resettting of seven ky and oxin furth of Yarrowheid, perteneing to Archibald Greif, servitor to Sir Jon Murray of Philliphagh, Knyt, about Michaelmas last, in anno 1621 yeirs; and for resetting and interteining of fugitives and outlaws. Clengit of baith.

Item, q<sup>r</sup> Gilbert and George Irwings, callit Quyt-clockis, in Stabiltoun, are accusit for steilling, &c. of four scheip perteneing to Johne Irwing, callit Jok of Luce, in October 1620 yeirs; and for the steilling of xiii scheip, perteneing to Thomas Bell, furth of the lands of Sowpelbank; and for the steilling of certane plenishing, sik as sheittis, blankettis, coveringis, sarks, seckis, window claiths, and uther plenyshing, worth the sowme j<sup>c</sup>. lib., fra Jon Lawsonne in Stabletoun, furth of his house thair, in September last by past; and for the steilling of certane claithes perteneing to Jon Lytle, callit the King, furth of his hous in Annane; and for the steilling &c. of nyne yowis perteneing to John Doby, now in Beltenmount, in Nov. 1620 yeirs; and for the resetting of Jenkeine Irwing, callit Lang Jenkeine, in Hoddame, George Bowmane and George Irwine, callit of Wysbie, declarit fugitives. Clengit of the haill.

Item, q<sup>r</sup> the saidis Gilbert and George Irwings, callit Quhytcloukes, are accusit and indytit for steilling, &c. of 40 punds furth of ane kist perteneing to David

Irwing, now in Sarksheillis, than in Stabletoun, in the month of ——— 1616 yeirs. Fyllis George thairof, and clengis Gilbert.

Item, q<sup>r</sup> the saidis Gilbert and George Irwines ar accusit for the steilling, &c. of tuell scheip, perteneing to James Irwine of Wysbie, furth therof in December last bypast. Fyllit thairof.

Item, q<sup>r</sup> Adam Henrie in Logane is accusit for airt and pairt of the steilling of three bolls aitts, furth of ye barne of Craigbeck, perteneing to Capitane Jonsonne. Clengit therof.

Item, q<sup>r</sup> the said Adam Henrie is accusit for airt and pairt of ye steilling, &c. of seven ky and oxin, perteneing to Archibald Grieve in Harrowheid, servitor to Sir John Murray of Phillophauch, Knycht, in ye month of October last bypast; and for airt and pairt of the steilling, &c. of 22 nolt, perteneing to my lord of Lowdoun, furth of Kyllismure,\* in anno 1618 yeirs. Fyllit of thame baith.

Item, q<sup>r</sup> Walter Lytle in Bombie, callit Wattie Kinds, is accusit for airt and part of the steilling, &c. of 5 oxin, perteneing to Mairtenne Jonstonne in Arkieknow, in anno 1619 yeirs; and for the steilling of twa yowis, perteneing to James Armestrang of Cannabie fyve yeir syne or therby; and for steilling of ane uther yow twa yeir syne or yrby, perteneing to the said James Armestrang; and for the steilling of uther twa yowis fra the said James Armestrang in winter last. Fyllit of the haill.

\* Kyllismure in the county of Ayr.

Item, q<sup>r</sup> the said Walter Lytle is accusit and indytit for airt and pairt of the steilling, &c. of 6 nolt perteneing to Rob Burges, in the baronie of Ros, in anno 1617 yeirs ; and for the steilling and resetting of of 9 nolt, perteneing to the Ladye Jonstounne, out of Elven water, thrie yeir syne or yrby ; and for the steilling of twa scheip, perteneing to Walter Scott in Mylneholme, out of Mylneholme, at Martimas last ; and for the steilling of ane yow fra Will Murray in Tailend ; and for the steilling of ye hail insicht of Jon Lytle in Brackanrie, *alias* Jok Peirrie, his hous, worth xx lb ; and for the burneing of Andro Lytle his hous in Bombie. Clengit of ye hail.

Item, q<sup>r</sup> Adam Mairtenne, sone to Rob Mairtenne in Logane, is accusit for ye steilling, &c. of ane bull about Martimas last, perteneing to Symont Jonstonne of Wodheid, and of twa irne bands stolin be him off the yet of Potorknow in April 1620 yeirs. Fyllit of baith.

Item, q<sup>r</sup> Jon Armestrang, callit Bauld Jok in Hairlaw, is accusit for steiling, &c. of 3 scheip, perteneing to Richart Wittie, millar at Hairlawmylne, furth of ye lands of Rutherfurde, upon the 9 day of May last ; and for steilling of 2 scheip perteneing to the said Richart Wittie, furth of the said lands, upon the 14 day of May instant. Fyllit of baith.

Item, q<sup>r</sup> Thomas Warrick in Pottem, is accusit for airt and p<sup>t</sup> of the steilling, &c. of twa of the 4 stotts stolin of the lands of Blacketburne, about Lambnes gane ane yeir, perteneing to Mr Cuthbert Heroune of Schipchal. Fyllit yairof. .

*Apud Dumfreis, xxiij die mensis Maij 1622.—  
Sederunt, Domini Commissionarij ut in die  
preceden. Tertio die Curie Justiciarie pre-  
dict.*

*Georgius Reddick, procurator dictæ Curie.*

The said day, Thomas Kennydie of Halaithes, enterit Adam Johnstone in Lochmaben upon pannel, and requyrit instrumentis that he might be frie of his caution for his entrie.

The said day, in presens of the saids Commissioners, being sitting in judgment, compearit James Irwine of Cleugheids, and enterit Edward Irwine, sone to Jaffray Irwine of Robgill, and yairafter actit himself as cautionar and souertie for the said Edward, that he sall keip his Majesties peice to his hienes liegis in all tyme coming, under the pane of fyve hundreth merks money, and to relieff his said cautioner.

The said day, Williame Irwin in Auchingawell, enterit Thomas Caruthers, callit of Normandie, upon pannel, qrupon he askit instruments, and desyrit to be freid of his act of cautionrie, qlk wes grantit.

The said day, William Irwine in Auchingawell, enterit James Irwine his brother upon pannel, befor his M<sup>ties</sup> said Commissioners, qrupon he askit instrumentis to be freid of his act of cationrie.

The said day, Archibald Glendinning in Fiddel-toune, and Jon Grahame in Thicksyde, enterit Hob and Andro Glendonings in Logane, upon pannell, qrupon they askit instrumentis, and immediatelie

yairafter actit thameselfis judiciallie as cañrs and sourties, conjunctlie and severallie, for Lancie Glendonning in Logane, the saids Hob and Andro Glendonningis yr, that they, and ilk ane of thame, sall compeir personallie before his Ma'ties Commissioners, the next Justice Court to be haldin be thame within the bounds of thair Commissione, and underly his Ma'ties lawis for all that is to be laid to either of yair chargis, under the pane of fyve hundreth merkis money, and actit thameselfis to relieff yair said cautioners of the premises.

The said day, Andro Murray of Morriequhat, entered upon pannell, whereupon he askit instruments, and immediately thereafter acted himself judicially as cautioner and surety for the said James Murray (his father's brother), that he shall compear personally before his Majesty's said Commissioners, the next Justice Court to be holden by them within the bounds of their Commission, and underly his Hienes' laws for all that is to be laid to his charge, under the said pain of v<sup>c</sup>. merks money.

The said day, Thomas Kennedy of Halaithes, enterit Francie Chalmeris in Brunnell, qrupon he askit instruments, and immediatlie thereafter actit himself as cautionar and souertie for him, that he sall compeir personallie befor his Ma'ties saids Commissioners the next Justice Court to be haldin be thame within the bounds of yair Commission, and underly his hienes lawis for all that is to be laid to his charge, under the said pane of fyve hundreth merks money; and that he sall keip our Souerands peace to all his hienes liegis in tyme comeing, and that he sall compeir befor the Lordis of Secret Counsall, or befor his Ma'ties Com-

missionars appoyntit for keiping of his hieness' peace, upon six days warning, under the said pane of v<sup>c</sup>. merks money.

The said day, James Irwin of Cleugheids, enterit Adam Gibsonne in Robgill, and immediately yrafter actit himself as caut<sup>r</sup> and souertie for the said Adam Gibsonne that he sall compeir personallie befor his Ma<sup>t</sup>ies said Commissionars the next Justice Court to be haldin be thame within the bounds of thair Commissione, and underly his hieness' lawis for all that is to be laid to his charge, under the pane of v<sup>c</sup>. mks.

The said day Robert Dinwiddie in Hanganschaw, enterit David Dinwiddie beneth ye Brae, and immediately yrafter actit himself judicallie as ca<sup>r</sup>er and sourtie for the said David, that he sall compeir personallie befor his Ma<sup>t</sup>ies saids Commisioners the nixt Justice Court to be haldin within the bounds of yair Commissione, and underly his Ma<sup>t</sup>ies lawis for all that is to be laid to his charge, under the s<sup>d</sup> pane of v<sup>c</sup>. mkis.

The said day, Thomas Jonsonne of Keirholme, enterit in presens of the saids Commissioners Jon Jonsonne of Beatok, grupon he askit instruments.

The said day, Alex<sup>r</sup>. Armestrang in Dalbeth, enteret in p<sup>ns</sup> of the saids Commissioners Thomas Lytle in Scheill, James and Cristie Lytles, his brether; qlkes personnes wer yrafter dismiss be the saids Commissioners, and remitit to Jon Maxwell, callit of Cowhill, to take cautioune of thame for yair behaviour.



The said day, the said Alex<sup>r</sup>. Armestrang in Dalbeth, enterit Adam Baetie in Scheill, qrupon he askit instruments, and immediately yrafter actit himself as cau<sup>r</sup> and souertie agane for the said Adam Batie, that he sall cōpeir personallie befor his M<sup>a</sup>ties saids Commissioners the nixt Justice Court to be haldin within the bounds of yair Commissione, and underly his M<sup>a</sup>ties lawis for all that is to be laid to his charge, under ye said pane of v<sup>c</sup>. merks.

The said day, Johne Mathiesonne in Torroran, in p<sup>ns</sup> of ye saidis Commissioners, actit himself as cau<sup>r</sup> and souertie for Andro Mathiesonne in Keir, that he sall cōpeir personallie befor his M<sup>a</sup>ties said Commissioners, the nixt Justice Court to be haldin be thame within the bounds of their Commissionne, and underly his M<sup>a</sup>ties lawis for all that is to be laid to his charge, under the pane of v<sup>c</sup>. merks, money forsaid.

And sick lyck actit himself as cau<sup>r</sup> for the said Andro Mathiesonne, that he sall compeer befor ye Lords of Secret Counsall, or befor his M<sup>a</sup>ties Commissioners appoyntit for keiping of his hienes' peace, upon six dayes warneing, and answer to any ryott to be layde to his charge, and sall keip his hienes peace to all his M<sup>a</sup>ties lieges in tyme coming, under ye said pane of v<sup>c</sup>. merks.

The said day, Robert Forsyth in Manieholme actit himself as cautionar and souertie for David Forsyth in Hoddame, that he sall compeer personallie befor His M<sup>a</sup>ties said Commissioners, the nixt Justice Court, to be holden within the bounds of thair commissioun, and

underly His Ma<sup>t</sup>ies lawis for all that is to be laid to his charge, under y<sup>e</sup> said pane of v<sup>c</sup>. merks money.

The said day, Willie Armstrang, callit Bauld, in Quhisgillis, in p<sup>n</sup>s of y<sup>e</sup> said Commissionars, actit himself judicillie as cau<sup>r</sup> and souertie for Johne Armstrang, callit of Tueden, that he sall cōpeir personallie befor His Ma<sup>t</sup>ies said Commissionars, the nixt Justice Court to be haldin be thame, within the bounds of thair said commissione, and underly His Ma<sup>t</sup>ies lawis for all that is to be laid to his charge, under y<sup>e</sup> said pane of ane thousand merkis money.

The said day, Robert Jonsonne of Corheid, in p<sup>n</sup>s of the said Commissionars, actit himself judicillie of his awin consent, that he sall cōpeir personallie before His Ma<sup>t</sup>ies said Commissionars, the nixt Justice Court to be halden within the bounds of thair commissione, without any citatioune, and underly His Hienes lawis for all that is to be laid to his charge, under the pane of I<sup>m</sup> merks money.

The said day, Johne Mairtene in Skellnaill, actit himself as cau<sup>r</sup>. and souertie for Thomas Mairtene in Erickstane, that the said Thomas sall cōpeir personallie befor His Ma<sup>t</sup>ies said Commissionars, the nixt Justice Court to be halden within the bounds of thair commissione, without any citation, and underly His Hienes lawis for all that is to be laid to his charge, under the pane of v<sup>c</sup>. merks money.

The said day, James Moffett in Hilhous, actit himself judicillie as cautionar and souertie for Leonart

and Walter Wilsonnes, baith in Erickstane, that thay, and ilk ane of thame, sall compeir personallie befor His Ma'ties said Commissionars, the nixt Justice Court to be halden within the bounds of thair commissione be thame, without any citationne, and underly His Hienes lawis for all that is to be laid to his charge, under the said pane of v<sup>c</sup>. merks for ilk ane of thame.

The said day, Rowie Nicksoune in Brighouscleughheid, actit himself judiciallie, of his awin consent, That he sall compeir personallie befor His Ma'ties saids Commissionars, the nixt Justice Court to be halden be thame within the bounds of yair commission, without any citationne, and underly His Hienes' lawis for all that is to be laid to his charge, under y<sup>e</sup> said pane of v<sup>c</sup>. merks.

The said day, Archibald Lytle in Conhease, and Adam Pott in Fingland, actit thameselfs judiciallie, in p<sup>n</sup>s of the said Commissionars, as cau<sup>r</sup>s, conjunctlie and seuerallie, for Archibald Lytle, some time in Barclaes, now in Yet, that he sall compeir personallie befor His Ma't es saids Commissionars, the nixt Justice Court to be haldin within the bounds of thair commissionne be thame, without any citationne, and underly His Hienes lawis for all that is to be laid to his charge, under the pane of ane thousand merks money.

The said day, Syme Armstrang, callet of Tuedden, actit himself, of his awin consent, that gif he fand not cawtionne to Robert Pringle, Bailie to the Erle of Buckcleughe, that he sall cōpeir personallie befor His Ma'ties saids Commissionars, the nixt Justice Court, and underly His Hienes' lawis for all that is to be laid

to his charge, within aucht days, he sould, of his awin consent, be decernit and declairit fugitive and outlaw fra His M<sup>a</sup>ties lawis.

The said day, James Irwine of Cleughheeds, actit himself cawtioner and souertie for Thomas Carutheris in Normandie, that he sall compeir personallie befor His M<sup>a</sup>ties saids Commissionars, the nixt Justice Court to be haldin within y<sup>e</sup> bounds of y<sup>r</sup> commissioun, and underly His Hienes' lawis for all that is to be laid to his charge, under y<sup>e</sup> said pane of v<sup>c</sup>. merkis money.

The said day, Edward Irwine of Wysbie, actit himself as cawtionar and seuertie for James Irwine, his brother, that he sall compeir personallie befor His M<sup>a</sup>ties saids Commissionars, the nixt Justice Court to be halden be thame within the bounds of yair saids commissioun, and underly His Hienes lawis for all that is to be laid to his charge, under y<sup>e</sup> pane of v<sup>c</sup>. merkis foresaid.

The said day, Richart Graham callit of Cannabie, and Alex. Armstrang, sone to Francis Armstrang, callit of Kinmonth, actit thameselfis, cor<sup>l</sup>ie and severallie, for Francis Graham, callit of Cannabie, that he sall cōpeir befor His M<sup>a</sup>ties saids Commissionars the nixt Justice Court to be haldin be thame within the bounds of yair commissioun, and underly His Hienes lawis for all that is to be laid to his charge, under the said pane of v<sup>c</sup>. merks.

The said day, Gilbert Johsonne, callit of Corheid in Capelgill, actit himself judiciallie as cawtionar and souertie for Will Hall, in Wraithes, that he sall cō-

peir personallie befor His M<sup>a</sup>ties saids Commissioners, the nixt Justice Court to be halden be thame within the bounds of yair commissioun, and underly His Hienes lawis for all that is to be laid to his charge, under the pane of v<sup>c</sup>. merks money foresaid.

The said day, Bernard Reid, in Park, actit himself judiciallie as caw<sup>r</sup>. and souertie for Thomas Reid, in Logane, that he sall cōpeir personallie befor His M<sup>a</sup>ties saids Commissioners, the next Justice Court to be halden be thame within the bounds of thair commissioun, and underly His Hienes lawis for all that is to be laid to his charge, under the said pane of v<sup>c</sup>. merks.

The said day, Symont Caruthers in Thornick, and David Corrie in Park, actit thameselfis conjunctlie and severallie, for Robert Carutheris in Logane, that he sall compeir personallie befor His M<sup>a</sup>ties saids Commissioners, the nixt Justice Court to be halden be thame within the bounds of yair commissioun, and underly His Hienes lawis for all that is to be laid to his charge, under y<sup>e</sup> said pane of v<sup>c</sup>. m<sup>r</sup>ks, and to relief his caw<sup>r</sup>s. in the premisses.

The said day, Walter Bell in Geddisbrig, actit himself as caw<sup>r</sup> and souertie for David and William Bellis, in Stanybeck, that thay, and ilk ane of thame, sall cōpeir personallie befor His M<sup>a</sup>ties saids Commissioners, the nixt Justice Court to be halden be thame within the bounds of yair commissioun, and underly His Hienes' lawis for all that is to be laid to either of thair chargis, under the pane of v<sup>c</sup>. merks for ilk ane of thame.

The said day, Jon Cairleill of Brackanquhat, actit himself judiciallie, as cawtionar and seuertie for Fergie Bell, callit the Crow, that he sall compeir personallie befor His Ma'ties saids Commissionars, the nixt Justice Court to be haldin be thame within the bounds of yair commissionne, and underly His Hienes lawis for all that is to be laid to his charge, under the pane of fyve hundreth merks money foresaid.

The said day, Randie Bell in Geddesbrig, and Walter Bell, younger of Nwik, actit thameselfis, conjunctlie and severallie, as caw'rs and seuerties for Walter Bell, callit Oswallis Wattie, that he sall compeir personallie befor His Ma'ties saids Commissionars, the nixt Justice Court to be haldin be thame within the bounds of yair commissiounne, and underly His Hienes' lawis for all that is to be laid to his charge, under ye said pane of v<sup>c</sup>. merks money foresaid.

The said day, Johne Broune, in Lochgill, actit himself judiciallie, as caw'r and souertie for Edward Jonsonne of Seyfield, that he sall compeir befor His Ma'ties saids Commissionars, the nixt Justice Court to be haldin be thame within ye bounds of thair commissionne, and underly His Hienes' lawis for all that is to be laid to his charge, under ye said pane of v<sup>c</sup>. merks.

And sicklyck, actit himself as caw'r and seuertie for the said Edward, that he sall cōpeir befor ye Lords of Secreit Counsall, or befor His Ma'ties saids Commissionars, appoyntit for keiping of His Hienes' peace, upon sex dayes warning, and ans'r for any ryott that is to be laid to his charge, and that he sall keip His Ma'ties peace to all his lieges in time cumming, under the said pane of v<sup>c</sup>. m'kis money.

The said day, Archibald Thomsonne, in Knock, actit himself as cawtionar and souertie for Andro Batie in Scheill, that he sall cōpeir personallie befor His Ma'ties saids Commissionars the nixt Justice Court to be halden be thame within ye bounds of yair commissionne, and underly His Hienes' lawis for all that is to be laid to his charge, under ye said pane of v<sup>e</sup>. merkis.

The said day, David Dalrymple, Notar in actit himself as cawtionar and souertie for Adam Lintonne, in Quhais, that he sall compeir personallie befor His Ma'ties saids Commissionars, the nixt Justice Court to be haldin be thame within the bounds of yair commissionne, and underly His Hienes lawis for all that is to be laid to his charge, under the pane foresaid.

The said day, the personnes under namet being callit upon, and entering upon pannell, Past to the tryell of the assyse following.

## PANNELL.

Adam Jonsonne in Lochmaben.

Adam Fairreis in Overmossop.

Archie Armstrang, callit Rowes Archie.

Geillis Roriesonne in Glencairn.

Thomas Moffett, servitor to Mathew Wilsonne in Greenhill.

Johne Broune in Kirklayne.

## PERSONES OF INQUEIST OR ASSYSE.

Johne Lyndsay of Auchinskeoch.

Robert Hereis of Killilour.

Thomas Hunter, brother to Robt. Hunter in Halywode.

John Thomsonne in Kirkland of Tarregillis.

Williame Glendonning of Laggane.

Thomas Wright in Carnquhane.

David Neilsonne in Barnecaillie.

Williame Welsche of Skar.

Robert Scott, laitt Baillie of Hawick.

Johne Dickiesonne, Provost of Peiblis.

Williame Elliot, laitt Provost of Peiblis.

James Keine, laitt Bailie of Selkirk.

William Scott, callit of the Pillaris, yr.

James Armstrang, callit of Cannabie.

Johne Turnbull of Howden.

The haill personnes of inqueist ressavit, sworne, and admittit judicialle.

Qlkis personnes of inqueist, electit and chusit the said Johne Lindsay of Auchainskeoch, chancellor.

Item, quhair Johne Broune in Kirklayne, is accusit for airt and pairt of the cruel slauchter of umqle George Jhonsonne in Bowneis, allegit committit be him upon the xxi day of Marche last bypast, uponn the ground of ye lands of Boykeme. Clengit yrof.

Item, quhair Adam Fairries in Overmossop, is accusit for resetting of ane grey meir, quhyt facet, pertaining to Lawrens Scott, stollin furth of the lands of Harperrig, be Francie Jonsonne, calat of Hungrie hilis, in Junii 1620 yeirs. Clengit yrof.

And for the resetting of ane broune bellit meir, stollin out of Ingland be Mathew Tailyeor, callit Erleshauch,



five yeir syne or yairby, and for resetting and interteneing of fugitives and outlawis, and in spēall, James Johnstonne of Brackensyd. Clengit of the haill.

Item, quhair Adam Jonstonne in Lochmaben is accusit for the steilling of sevin scheip perteneing to Archd. and William Jonsonnes, sones to the Laird of Eshiescheills; and for steilling, &c. of ane scheip perteneing to Gib. Jardane in Lochmaben, in winter last. Clengit of baith.

Item, quhair Archie Armestang, callit Rollies Archie, in Broomholme, is accusit for airt and pairt of ye steilling of ane gray naig, of four yeir auld or yrby, furth of ye lands of Nether Mylne steidis, fra Jok Grahame *alias* Tuillie, ther. Clengit therof.

Item, q<sup>r</sup> Geillis Roriesoune in Glencairne, is accusit for airt and pairt of ye steilling of ane irne gaviлок perteneing to Cuthbert Hairstanes in Penfillame, in July 1616 yeirs; and for ye steilling fra umqle Jeane Grier, guidwyf of Pundland, in October 1613 yeirs, of ane gray coler wob of claith; and for ye steilling of ane spaid furth of ye house of Jon Huddelstonne, in Junij 1618. Clengit of the haill.

Item, quhair Thome Moffatt in Hietae is accusit for the steilling of ye soume of four hundreth merkis money out of Mathew Wilsonne, baillie of Lochmaben [his house], in the monethe of Apryl last by past. Fyllit thairof, and putt in ye Judges will.

PERSONNES CONVICT AND EXECUT.

The said day, in p<sup>ns</sup> of the saids Commissioners

sitting in judgment, Johne Armestrang, callit Bauld Jok, was condampnit and ordainit to be drownet in the wattr of Nith, ay quhill he be deid.

And Adam Henrie in Logane, Gilbert and George Irwingis, callit Quhytclockis, Walter Lytle in Bombie, and Thomas Moffatt in Hietae are, ilk ane of thame, adjudgit and condampnit to be taken to the place of execution in Dumfreis, and ther to be hangit be the heid ay and q<sup>ll</sup> thay be deid, as was pronouncit in judgment be ye mouth of the said Jon Douglas, dempstar.

PERSONNES CONVICT AND CONTINEWIT.

The said day, Thomas Warrik in Pottome, and Adam Mairteine, sone to Rob Mairteine in Logane, ar convict, and continewit, and remittit to the counsall be the saids commissioners.

The said day, the personnes undernamet being lawfullie summoneit and arreistit to haif compeirit befor his M<sup>a</sup>ties Commissioners this p<sup>nt</sup> Court halden at Dumfreis, and thay being daylie callit upon during the space thairof, and last upon the said xxiii day of Maij Im<sup>o</sup> vic. twentie'twa yeirs, being ye third and last day of ye said Court, to haif underlyin his M<sup>a</sup>ties lawis for certane crymes of theft, and uthers, conteint in yr particular dittays, with certification, that thay and ilk ane of thame, sould be declairit fugitives and outlawis fra his hienes' lawis, and all yr movable guidis and geir sould be escheit and inbrocht to his hienes' use, &c., viz. James Jonsonne of Lochous, Robert Graham his servitour, James Dowglas his servitour, James Jonstonne in Croftheidis, James Jonsonne of Braikansyd, callit auld Jamie, Willie Aitchiesonne in Poternoll, Jaffray Irwine of Robgill, Crystie Irwine his sone,

Alex. Broune in Boykeine, Thomas Tagart in Chapel-know, Johne Irwing *alias* Lytle boy, in Stapletoune, Gib Irwing *alias* Gib Alangsyd, Margrat Armestrang, callit Wairdan, Thome Armstrong hir sone, Richart Irwing of Wodhouse, Williame Mackcaig in Porters-toune, Geordie Armestrang callit Archies Geordie, and Williame Robsonne in Hilhous; Quhilkis personnes being as said is, oftymes callit upon, and nott cōperit, thay and ilk ane of yame wer declairit publictlie thrie seuerall tymes outlawis and fugitives fra His Hienes' lawis, and all yr movable guidis and geir ordanit be His M<sup>a</sup>ties said Commissionars to be escheit and inbrocht to His Hienes use, for yr contemptioun; qlk was done as was pronuncit in judgment be ye mouth of Jon Douglas, dempstar of ye said Court.

The said day, James Gordonne, brother to Sir Robert Gordonne of Lochinvar, Knyt<sup>t</sup>, actit himself as cau<sup>r</sup>; and souertie for Williame Portar in Porterstoune, that he sall cōpeir befor His M<sup>a</sup>ties Commissionars the nixt Justice Court, to be haldane be thame within the bounds of yair jurisdictione, except the nixt Court to be halden be yame at Jedburgh the 27th of August nixt, under the pane of v<sup>c</sup>. merks money.

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The Court of Justiciarie, haldin at Jedburgh, within the tolbuthe yrof, upon the xxvii day of August Im. vi<sup>c</sup>. and twentie-twa yeiris, be the Rycht Noble and Michtie Erle Walter, Erle of Buckelege, Lord Scott of Quhitchester and Esdail, Williame, Lord Crans-toune, Sir Andro Ker of Oxnam, Knycht

Mr. of Jedburgh, Sir Williame Seytounne of Kyllismure, Knycht, and Sir John Murray of Philliphaugh, Knycht, Commissioneris and Justices to our Souerane Lord within the boundis of the Sheriffdomes of Roxburgh, Selkirk, Peiblis, Berwick, Dumfreis, and Stewartries of Annandaill and Kirkcudbrycht, Be vertew of His Majesties commissiounne, under His Hienes Greit Seall; Robert Scott, John Black, messingeris; and Williame Carnwath, officeris therto; William Jenkiesounne, dempster.

The Court lawchfullie fenssit.

The quhilk day, in pns of his Māties saids Commissioners being all sitting in judgment, George Ker, fiar of Cavers, being callit upone, enterit Andro Gibbiesounne upon pannell, and desyrit that he might be fred of his band of cawrie, qlk wes grantit; qrupon he askit instruments.

The said day, Johne Ainslie, bailie of Jedburgh, and James Hassuell, chirurgeone, enterit Williame Douglas of Quhitrig upon pannell, and desyrit that thay might be fred of their band of cawtionarie for him, qlk wes grantit; qrupon thay askit ins<sup>ts</sup>.

The said day, Thomas Kennedye of Halaithe, enterit Francis Chalmeris of Broommell upon pannell, and desyrit that he might be fred of his act of cawrie, qlk wes grantit; qrupon he askit instrumenttes.

The said day, Johne Mairtene in Skellinaill, enterit Thome Mairtene in Erickstane upon pannell, and de-

syrit that he nicht be fred of his act of caw'rie, &c. ;  
grupon he askit instrumentis.

The said day, Will James, Inglismane, enterit  
George Turnor in Quhitliesyd upon pannell, and desyrit  
yat he nicht be fred of his act of caw'rie, qlk  
wes grantit ; grupon he askit ins'ts.

The said day, Williame Wighame in Pairterburne,  
enterit Jon Wighame, man to Quhitliesyd, upon pan-  
nell, and desyrit that he nicht be fred of his act of  
caw'rie, qlk wes granted ; grupon he askit ins'ts.

The said day, David Dalrymple, notar, enterit  
Adam Lintonne in Quharis, upon pannel, and desyrit  
that he nicht be fred of his act of caw'rie ; grupon he  
askit instruments.

The said day, James Moffett in Halhous, enterit  
Leonart and Walter Wilsonnes in Erickstane, upon  
pannell, and desyrit that he nicht be freid of his act  
of caw'rie, qlk was grantit ; grupon he askit instru-  
ments.

The said day, Andro Tagart in Quhitenstellis, en-  
terit Gawin Tagart, sone to Thome Tagart in Kirtle-  
heid, and desyrit yat he might be fred of his act of  
caw'rie, qlk wes grantit ; grupon he askit instrumentis.

The said day, David Dalrymple, notar, enterit  
Patrick Ewart in Lochmaben upon pannell, and de-  
syrit yat he nicht be fred of his act of caw'rie, qlk wes  
grantit ; grupon he askit ins'ts. Qlk Patrick Ewart

was yrafter dismist be ye saids Commissioners, to be anew arrested agane.

The said day, James Irwing of Cleugheids, desyrit that he nicht be fred of his act quhair he was bund for the entrie of Edward Irwing, sone to Jaffray of Robgill, in respect that the said Edward was deid, qlk was grantit be ye saids Commrs, and he dischargit yairof.

The said day, Willie Armestrang, callit Bald, enterit Johnne Armestrang, callit of Tuedden, upon pannell, and yairafter in p<sup>ns</sup> of his Ma<sup>ties</sup> saids Commissioners being all sitting in judgment, actit himself as caw<sup>r</sup> and souertie for the said Johnne, that he sall compeir personallie befor his Ma<sup>ties</sup> saids Comm<sup>rs</sup> the next Justice Court to be halden be thame within the bounds of yair Commissione, and underly his Ma<sup>ties</sup> lawis for all that is to be laid to his charge, under ye pane of ane thousand merks money, &c.

The said day, Edward Irwine of Wysbie, enterit James Irwine upon pannell, and protestit yat he nicht be fred of his caw<sup>rie</sup> for him, qlk was grantit; qrupon he askit instruments.

The said day, Johnne Browne of Lochhill, enterit Edward Jonstone of Seyfield; qrupon he askit ins<sup>ts</sup>. Quha yairafter was dismist be ye saids Commissioners to abyd yair will within the burgh of Jedburgh.

The said day, Adam Turnbull in Hartshaugh, and Adam Turnbull, enterit James Turnbull, sone to Willie of Braidhauche upon pannell, and protestit that

they might be frie of yair caw'rie for him, qlk wes grantit ; grupon they askit instruments.

The said day, Robert Ellott of Reidheuch, enterit Rowie Croser in Hartsgarth upon pannell, and immediatlie yrafter actit himself judiciaillie in p'ns of ye saids Comm'rs anew'agane as caw'r and souertie for the said Rowie Croser, that he sall compeir agane befor his Ma'ties said Comm'rs the next Justice Court to be haldin be thame within the bounds of yair Commissione, and underly his Ma'ties lawis for all that is to be laid to his charge, under ye pane of fyve hundrethe merkis money ; and ye said Rowie Croser actit himself to relief his said cautionar in ye premisses.

The said day, Walter Jonsonne, callit of Wyndholme, enterit the lang Laird Hoddome upon pannell, and desyrit that he might be frie of his caw'rie ; grupon he askit ins'ts.

The said day, James Jonstoune of that ilk, enterit Williame Jonsonne of Brigmure, James Jonsonne his brother, Robert Somervell in Smailholme, Johne Jonsonne in Beatoch, Johne Jonsonne in Kirkland, James Irwine of Cleugheids, Jok Jaksonne *alias* Cothe Geordie Jonsonne in Greitheid, Williame Irwine elder and younger of Kirkconnel, William Smyth in Yett, Willie Jonsonne in Auld Wallis, and yrafter actit himself as caw'r and souertie for thame, that thay, and ilk ane of thame, sall cōpeir personallie befor his Ma'ties saids Commissionars the next Justice Court to be halden be thame within the boundis of yair commissione ; and ordanes thame, and any of yame, to be anew arrested gif yair be any new complaintes aganis

thame or any of thame, upon fyfteine dayes warneing to be maid to the Laird of Jonstonne, be any of Sir Robert Greirsounes of Lag, his servands and companies of befoir.

The said day, Jon Mairteine in Skaelinail, and Henrie Mairteine in Kirkbedrig, enterit Gilbert Mairteine in Suyre, and desyrit that he might be fred of his caw̃rie for him; grupon he askit instrumentis, quha yrafter wes dismist be ye saids Commissioners to ane new citaciounne.

The said day, James Jonstonne, elder in Willies, enterit Gilbert Hutchiesoune in Willies, and desyrit yat he might be frie of his caw̃rie for him; grupon he askit instruments.

The said day, Robert Dinwiddie in Hangandschaw, enterit Williame Hutchiesoune in Halbeckis, and protestit that he might be frie of his caw̃rie; grupon he askit instruments.

The said day, Gawin Hendersoune in Bagray, enterit Walter Jonstoune in Wyndholm upon pannell, and protestit that he might be frie of his caw̃rie grupon he askit instruments.

The said day, John Mathiesoune in Torroren, enterit Andro Mathiesonne in Keir upon pannell, and protestit that he might be frie of his said caw̃rie; grupon he askit instruments.

The said day, Archibald Irwin in Conneathes, and Adam Polton in Fingleit, enterit Archibald Lytle,



sum tyme in Barclayes, now in Pottum, upon pannell ;  
qrupon thay askit instruments.

The said day, John Mureheid in Barfadheane, and  
Jon Scott in Librae, enterit Jon Murrein in Morin-  
tounne upon pannell, and protestit that thay might be  
frie of yair said caw'rie ; qrupon thay askit instru-  
ments. Qlk Jon Murreine wes yrafter dismist be the  
saiids Commissionars, and putt to libertie, qll he wer  
anew againe arrestit, &c.

The said day, James Milliekenne in Blackmyre, en-  
terit Fergus Milliekein in Dunscoir upon pannell, and  
yrafter actit himself anew agane as cawtionar and  
souertie for the said Fergus, that he sall compeir per-  
sonallie befor his M<sup>a</sup>ties saids Commissionars the nixt  
Justice Court, to be halden be thame within the  
bounds of yair commissioun, and underly his M<sup>a</sup>ties  
lawis for all that is to be laid to his charge, under ye  
pane of v<sup>c</sup>. merkis.

The said day, Geordie Bridge in Dailbank, enterit  
Johne Broune in Gairthend upon pannell, and protestit  
that he might be frie of his act of caw'rie ; qrupon he  
askit instruments.

The said day, Jon Taggart and Gawin Taggart,  
sons to Thome Taggart in Kirtleheid, actit thame-  
selfis, conflic and severallie that they sall compeir  
personallie befor his M<sup>a</sup>ties said Commissionars the  
nixt Justice Court to be halden be thame within the  
bounds of yair commissioun, and underly his hienes  
lawis for all that is to be laid to yair charges, under  
the pane of fyve hundreth merkis money, and declair-

ing of thame fugitives and outlawis of yair awin consentt.

The said day, Williame Douglas of Quhitrig, actit himself judiciallie that he sall compeir personallie the nixt Justice Court befor his M<sup>a</sup>ties saids Commissionars, to be halden be thame within the bounds of thair commissiounes, and underly his hienes lawis for all that is to be laid to his charge, under ye pane of fyve hundreth merkis money, and of consent to be ane fugitive and outlawe fra his hienes lawis.

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At Jedburgh, the xxviii day of August, being the second day of ye said Justice Court, halden therat, 1622 years.

*Sederunt: Domini Commissionarji ut in die preceden.*

The quhilk day, in p<sup>ns</sup> of His M<sup>a</sup>ties saids Commissionaris, being sitting in judgment, the persounes undernamet being callit upoun, and entering in upoun pannell, wes putt to the tryell of assyse following.

Persounes upon pannel putt to the tryall of assyse:—

Jok and Andro Wighames in Quhitliesyd.

George Turnour, thair.

Walter Ker in Lintoun.

Johne and Thomas Frissellis, sons to the Laird of Overtoun.

John Tait in Dowknow.

Jok Lytle in Strandis.

Will Parker in Skamerig.

Syme Jonstoun, servitour to Cristie of ye Bankis.

Williame Kae in Deidmanrig.

James Turnbull in Braidhauche.  
 Williame Bell, callit Jonies Willie.  
 Willie Bell in Holmeheid.  
 Archie Lytle in Pottum.  
 Johne Young in Cessfurde.  
 James Quhytt.  
 Andro Hamiltoune, vagabound.  
 Lang Laird Hoddame.  
 Walter Jonstoune in Wyndholme.

## PERSONES OF ASSYSE.

Walter Gledstannis in Quhitlaw.  
 Walter Riddell in Wodhous.  
 Williame Scott, callit of ye Pillaris.  
 Williame Elliott, baillie of Selkirk.  
 Robert Scott, Westport in Hawick.  
 John Govane of Cardrono.  
 Johne Dickiesonne, provost of Peiblis.  
 Francie Armestrang, callit of Kinmonth.  
 Robert Scott, baillie of Hawick.  
 Williame Daidsonne of Samieston.  
 Gawin Jonsoune in Midlegill.  
 David Pringle of Howmanne.  
 Williame Turnebull in Tour.  
 Robert Scott, callit of Altoune, baillie of Hawik.  
 Henry Davidsonne in Holfield.

The haill persounes of inqueist ressavit, sworne, and admitit.

Qlkis persounes of inqueist electit and chusit the said W<sup>m</sup> Daidsonne of Sameistoune, chancellor.

Item, q<sup>r</sup> James Turnebull, sone to Willie Braidhauch, is indytit and accusit for airt and pairt of ye

thyfteous steilling, conceilling, ressett, and away taken of twentie-four scheip furth of the landes of Hairrlesyd, at seuverall tymes, about Mertimes last or yrby, perteneing to Williame Douglas, fear of Cavers, and his tennenttis. Clengit thairrof.

Item, q<sup>r</sup> Williame Kae in Deidmanrig, is indytit and accusit for airt and p<sup>t</sup> of the thyfteous steilling, conceilling, ressett, and away takin of ane browne meir, perteneing to umqle Nickkie Aitchiesoune in Craikhauch, stollen be James Grahame in Bedhokholme fyve yeirs syne or yrby, be ane outlaw, and ressett be him. Clengit thairrof.

Item, q<sup>r</sup> Will Parker in Skamerig is accusit for airt and pairt of ye steilling of half ane boll meill and grottis fra Will and Thome Robisonnes in Skamerig, in August instant, furth of the lands yrof; and for the steilling, &c. of four bollis meill furth of the multure hous of ye mylne of Jonstoune, at severall tymes, four yeirs syne or yrby. Clengit of baith.

Item, q<sup>r</sup> Syme Jonstoune, servitor to Cristie of ye Bankis, is indytit and accusit for airt and pairt of ye thifteous steilling, conceilling, ressett, and away takin of ane kow, perteneing to Nikkie Foster in Wodhous, furth of ye land of Wodhous, about Yuill last or yrby. Clengit yrof.

Item, q<sup>r</sup> Jok Lytle in Strandis is indytit and accusit for the thyfteous steilling, conceilling, ressett, and away takin of twa yoow scheip, perteneing to Jon Bell in Midleschaw, in August instant, furth of ye landis of Midleschaw; and for the thyfteous steilling of four

punds money of yis realme, and twa ellis of lyneing, fra Rob Grahame, sone to Jok o' Dryf, at Ruidsmes last, in Dumfreis: Clengit of baith.

Item, q<sup>r</sup> Walter Kerr in Lintoune wes indytit and accusit for airt and pairt of the thyfteous steilling, conceilling, resett, and away takin of six scheip, viz. four yoows and wedders, and ane dinmont, perteing to Adam Roull in Abbotroull, furth of ye lands of Cosserhill, about Yuill last or yrby. Clengit yrof.

Item, q<sup>r</sup> Walter Jonstoune in Wyndholme is indytit and accusit for airt and pairt of the steilling, conceilling, resett, and away takin of ane quey in harvest last, perteing to Nicol Moffatt, smythe; and for the thyfteous steilling of ane yoow out of David Dalrymple's byre upon hansell Tuysday, 1620 yeirs; and for the thyfteous steilling of certane schone in Dumfreis, in summer last; and for the falsefieing of ye daitt of ane contract maid betwixt his father and him; and for the resetting of ane naig, stollin be Johne Irwing, his brother-in-law, perteneing to Niniane of the Roundtree Know, furth of the lands yrof. Clengit of the haill.

Item, q<sup>r</sup> Sandie Hamiltoune is accusit for airt and pairt of the thyfteous steilling of ane purs upon Saint James day last, with xv s. sterling yrintill, perteing to Thomas Stenners, chapman. Clengit yrof.

Item, q<sup>r</sup> Johne Irwing, young Laird of Hoddame, is accusit for airt and pairt of the steilling of twa ky outt of ye landes of Gimmonbie, and tuik thame to ane scheip house in Hoddam, perteing to Jok Grahame in Gymmonbie. Clengit yrof.

Item, q<sup>r</sup> Will Bell, callit Jonies Willie, in Nether Gimmonbie, and Will Bell in Holmeheid, ar indytit and accusit for airt and pairt of the thyfteous steilling, conceilling, resett, and away takin of twa yoowis, pertaining to Jene Hendersoune in Gymmonbie, at Mer-tinnes bygane twa yeirs, furth of ye landis yrof; and for the thyfteous steilling of ane ox, pertaining to Jok Horne in Howcleughe, three yeirs syne or thereby, furth of ye lands of Howcleughe, in ye month of December last. Clengit of baith.

Item, q<sup>r</sup> Johne Tait in Dowknow, callit Cheif, is indytit and accusit for airt and pairt of ye thyfteous steilling, conceilling, resett, and away takin of sewin scheip, perteneing to Willie Waulds in Auld Graden, in harvest bygane thrie yeirs or yrby. Clengit yrof.

Item, q<sup>r</sup> Johne Young in Cessfurde tounne fute is indytit and accusit for airt and pairt of the thifteous steilling of ane blak ox, perteneing to Sir Johne Selbie, Knycht, furth of the lands of North Schoeton in England in November 1619 yeirs. Clengit yrof.

Item, q<sup>r</sup> Johne Taitt in Dowknow, callit Cheif, is indytit and accusit for airt and pairt of the thyfteous steilling, conceilling, resett, and away takin of certane scheip, perteneing to the Laird of Greenheid, thrie yeir syne or yrby, furth of ye lands of Fyllit of ane of the said scheip onlie.

Item, q<sup>r</sup> he and Johne Frissell, sone to the Laird of Overtounne, is indytit and accusit for airt and pairt of the thifteous steilling, conceilling, resett, and away takin of twa ky and twa oxin, the twa ky perteneing

to Jon Selbie of Pastoune, and the twa oxin perteneing to Jerott Selbie, in the month of September last bypast, furth of ye lands of Commonne burne in Ingland. Clengit baith, of baith ye poyntts.

Item, q<sup>r</sup> John eand Thomas Frissellis forsaidis, and Johne Taitt in Dowknow, ar indytit and accusit for airt and pairt of the thyfteous steilling, conceilling, ressett, and away taking of fiftie-six wedderis, perteneing to Gilbert Swona of Bervingtoune, furth of ye lands of Bervingtoune, in ye moneth of Marche last bypast. Clengit Johne Taitt, and fyllit Jon and Thomas Frissellis yrof.

Item, q<sup>r</sup> ye saids Johne and Thomas Frissellis ar indytit and accusit for airt and pairt of ye steilling of ane bay naig and twa meiris, the bay naig perteneing to Mark Pantoune of Brokfield, furth of ye lands of Brokfield of Hagerstonne, at Mertimes ewin bygane thrie yeirs, the twa meiris stollin at yat same tyme, furth of ye lands of Hakkerstonne; and for the steilling of sevin nolt fra Cristiane Stewart, relict of umqle James Ker of Chatto, and now spous to Williame Ker, callit of Ancrum, furth of ye lands of Chatto, at Mertimes in anno 1619 or yrby. Fyllit yrof.

Item, q<sup>r</sup> Jok and Andro Wighames, and George Turnour in Quhitliesyd, wes indytit and accusit for airt and pairt of the thifteous steiling, conceilling, ressett, and away takin of thrie nolt perteneing to Johne Ridley, baillie in Hatwisle, furth of ye landis of Cor-scolthart, about Pasche gane a yeir. Clengit all thrie yrof. And quhair the said Jok Wighame wes indytit and accusit for the thifteous steilling, &c. of twa oxin

furth of ye debaitable land, perteneing to Jok Young in Mylnesteidis, thrie yeir syne or yrby; and q<sup>r</sup> ye said Andro wes accusit for the thifteous steilling of four stottes, viz. twa of thame brandit, and twa of thame broune, perteneing to Thome Elliott in Wattiryett, furth of ye lands of Newbiging in Tindell, at last; and q<sup>r</sup> the saids Jok and Andro wes accusit for the steilling of four ky, perteneing to my Lord of Crans-toune, furth of ye lands of Wauchopheid, at Michaelmas last or yrby. Clengit of the haill yrof.

Item, q<sup>r</sup> the said Jon Wighame in Quhitliesyd is accusit for airt and pairt of the thyfteous steilling, conceilling, ressett, and away takin of thrie blak oxin, perteneing to David Quhippo in Bruntscheilbog, furth of ye lands yrof, at Sanct Androis day, or yrabout 1621 yeirs. Fyllit yrof.

Item, q<sup>r</sup> Archibald Lytle in Pottum is accusit for airt and pairt of the thyfteous steilling, conceilling, ressett, and away takin of aucht lambes fra Nickkie Foster, and Jon Foster in Kirkconnell, his son, in Junij last. Confest fyve of thame. And q<sup>r</sup> he is accusit for the steilling, &c. of four lambis, perteneing to Johne Bell of Albie, furth of ye landes of Albie, in the moneth of September, 1621 yeirs or yrabout. Fyllit of baith in respect of his confessionne and cumeing in will.

Item, q<sup>r</sup> James Quhyt is accusit for the thyfteous steilling, &c. of xxxiii scheip fra Walter Sheill in Gatonscott, furth of the lands yairof, in the moneth of May last bypast. Fyllet yrof upon his awin confessionne.

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*Apud Jedburgh, xxix day of August 1622, be-  
ing ye third day of ye said Court.*

*Sederunt: Domini Commissionarij ut in die preceden.*

The qlk day, Gib Mairtene in Swyre, actit himself judiciallie, that he sall compeir personallie befor His Ma'ties Commissionars the nixt Justice Court to be halden be thame, within xv dayes' warning, under the pane of declairing him fugitive of his awin consent.

The said day, Will and Gib Hutchiesounes in Hel-lerkis, actit thameselfis judiciallie that they sall cōpeir pēnalie befor His Ma'ties saids Commissionars the nixt Justice Court to be haldin be thame, upon xv dayes' warneing, under the pane of declairing thame fugitives of their awin consent.

The said day, Will Porteous in Cleugheides, in Annandaill, actit himself judiciallie that he sall cōpeir personallie befor His Ma'ties saids Commissionars the nixt Justice Court, under ye pane of declairing him fugitive of his awin consentt.

The said day, the persounes under-namet enterit upon pannell.

Laurie Turnbull in Maxsyde.

John Glencors in Barnegleische.

Willie Jonstone in Linbrigfurde.

Willie Armestrang, Capilgill.

Archie Noble in Parkheid.

Watt Nicksonne in Raw.

James Batie, callit Din Jamie.  
 Geordie and Jon Baties in Glencors.  
 Johne Riddockis in Kilhoill.  
 Gib Irwine in Stabiltonne.  
 Johne Lytle, Inglismane.  
 Geordie Turnbull in Belsches.  
 Abbie Foster, sone to Gib of Langhauch.  
 Geordie Mortonne, callit Ower ye Burne.  
 Watt Turnbull in Skelfhill.  
 Johne Roddine in Torthorrald.  
 Robert Latimer in Rockald.  
 Sandie Hamiltonne, Purscutter.  
 Jean Lindsay, his spous.  
 Martha Finlaysonne.

## PERSONNES OF INQUEIST.

William Crychtonne of Hill.  
 David Neilsonne in Barnecaillie.  
 Johne Thomsonne in Kirkland of Tarregillis.  
 Andro Jonstonne of Mylnebank.  
 Sime Elliott, Benkie in Thorliesheip.  
 Antone Elliott in Rouchlie.  
 Thome Jonstonne of Fingland.  
 Ritchart Rutherfordde of Littleheuch.  
 Williame Scott, callit of the Pillaris, in Selkirk.  
 Jon Dickiesonne, Provest of Peiblis.  
 Williame Elliott, Bailie of Selkirk.  
 Walter Gledstanes of Quhitlaw.  
 Robert Scott, callit Mareonnes Hob, Baillie of Hawick.  
 Williame Elliott, laitt Provest of Peiblis.  
 Robert Scott, West Port in Hawick.

The haill personnes of inqueist being ressavit, sworne,

**Item,** q<sup>r</sup> George and Jon Baties in Glencors, is accusit for airt and pairt of the thifteous steilling, &c. of twa scheip, furth of the landes of Glencors, in July last, perteneing to                                  yr. Clengit yairof.

Item, q<sup>r</sup> Geordie Mortoune in Harrett, and Walter Turnbull in Skelfhill, is accusit for airt and pairt of the steilling of sewin nolt, perteneing to Laird Swarlay, Inglisman, furth of the lands of Swarlay, about Mer-times last or yrby. Clenzit Walter Turnbull yrof, and fyllit Geordie Mortoune of ye samyn.

Item, q<sup>r</sup> John Roddine in Torthorrald, and Robert Latimer in Rockald, is accusit for steilling of ane blak kow aff Lockirmoss, perteneing to Willie Wricht in Rockald, at Euesmes last, and for the steilling of ane uther kow out of ye bauks of Moushald, about Mertemes last, perteneing to . Fyllit of baith.

Item, q<sup>r</sup> James Batie, callit Din Jamie, is accusit for steilling of twentie scheip, perteneing to Thomas Jonstonne in Finglen, his men in Wylieshoill, furth of ye lands yairof, in the moneth of October bygane ane yeir or yrby. Fyllit yrof.

Item, q<sup>r</sup> Geordie Turnbull in Belsches is accusit for airt and pairt of the steilling, &c., of ellevene scheip, viz., ten quhyt and ane blak, keillit on ye nar syd with tar, furth of the landis of Raflatt, ten yeir syne or yrby, perteneing to Williame, George, and John Davidsonnes yr. Fyllit thairof.

Item, q<sup>r</sup> Thom Lytle, Inglismanne, is accusit for steilling, &c. of six scheip perteneing to Ritchart Wittie, millar at Harlawmylne, furth of ye lands of Liddell, in the moneth of May last. Fyllit yrof.

Item, q<sup>r</sup> Jon Reddick in Killhoill is accusit for steilling of twa hoggis, furth of ye lands of Annandholme, about Lambes last, perteneing to Thomas Lockarbie in Annandholme. Fyllit yrof upon his awin confessioun and cuming in will.

Item, q<sup>r</sup> Archie Noble in Parkheid, and Wat Nicksoune in Raw, is accusit for steiling, &c. of xiiij yoowis and wedders, furth of ye lands of Brighousecleuchheid, perteneing to William Elliott, callit of ye Peill, in November last. Fyllit baith yrof.

Item, q<sup>r</sup> Willie Armstrang, callit of Capilgill, is accusit for steilling, &c. of four scheip perteneing to Rob Bell alias Hill, in Auchinheidrigg, furth of ye

lands yairof, in ye moneth of July last. Fyllit yrof, and comeing in will uponne confessioun.

Item, q<sup>r</sup> Lancie Turnbull of Maxsyd is accusit for steilling, &c. of twa nolt, viz., ane blak stott and ane blak quey, furth of ye lands of Langsyd, perteneing to Williame Douglas, fear of Cavers, his men in Langsyd, at Mertimes aucht yeir syne, or yrby ; and for the steilling of twa scheip at Euesmes gane thrie yeir, fra Jon Elliot, than servitor to my Lord Cranstoun. Fyllit of baith be his confessioun and coomeing in will.

Item, q<sup>r</sup> Sandie Hamiltoun, Jean Lyndsay, his spous, and Martha Finlaysoun, are accusit for breking of James Ainslie his hous, in Jedburgh, and steilling furth yrof the last nicht of ane great number of claithes, perteneing to ye said James, sickas ane Londoun claithe clock, and pair of plaids, and uther claithes, worth ye soun of i<sup>c</sup>. lib. Fyllit yrof.

The said day, James Milliekenne in Blakmyre, actit himself as caw<sup>r</sup> and souertie for Fergus Milliekene in Dunscoer, that he sall compeir personallie befor His Ma<sup>t</sup>ies Commissionars the nixt Justice Court, and underly His Hieness lawis, under the pane of v<sup>c</sup>. merkis money.

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At Jedburgh, the said xxix day of August 1622.

Persounes pannellit efter none :—

Thome Armestrang, callit Wardane.

Willie Bryden in Wamfray.

John Jonstonne in Hilheid.  
 Francis Elliott, callit Copshaw.  
 Geordie Armstrang, Wodhouslies.  
 Thome Armestrang in Quhitthopmylne.  
 Will Caruthers in Dombie.  
 Rob Houd in Ancrum.  
 Andro Gibbiesoune in Softerlaw.  
 Will Scott in Frogden.

PERSOUNES OF INQUEIST.

Williame Crichtonne of Hill.  
 David Neilsoune in Barnecaillie.  
 Andro Jonsoune of Mylnebank.  
 Syme Elliot, callit Benkis, in Thorleishoip.  
 Johne Dickiesonne, Provest of Peiblis.  
 Antone Elliott of Benkid, in Rouchlie.  
 James Keine, Baillie of Selkirk.  
 John Thomsonne in Kirkland of Tarregillis.  
 Walter Gledstanis of Quhitlaw.  
 Robert Scott, Westport of Hawick.  
 Williame Welsche in Skar.  
 Williame Midlemaist of Lillislie Chappell.  
 Johne Hamiltonne of Auchinhae.  
 Johne Burnett of Barnes.  
 Johne Govane of Cardrono.

The saids haill persounes of inqueist being ressavit,  
 sworne and admittit, electit and chusit the said Jon  
 Govane of Cardrono, chancellor.

Item, q<sup>r</sup> Will Scott in Frogden is accusit for steil-  
 ling of xiiij schelp, perteneing to Pett Craw in Coup-  
 land, in Apryle last, furth of ye lands of Coupland.  
 Clengit him yairof.

Item, q<sup>r</sup> Will Brydonne in Swyre on Wamfray is accusit for airt and pairt of the steilling, &c. of sax scheip perteneing to Gib Schaw in Compstouneslack, furth of ye lands yrof in ye moneth of July last by-past ; and for the steilling of certane plenisching and houshold geir perteneing to Williame Jonstoune in , extending to ye soume of xx lib. money. Clengit of baith.

Item, q<sup>r</sup> Nicoll Moffett in Wamfraygaitt is accusit for airt and pairt of the steilling, &c. of thrie ky perteneing to James and Peter Williamsonnes in Watter of Meitingis, in Crawfordmure. Clengit yrof. And for the steilling, &c. of ane young cow perteneing to James Jonstoune of Braikansyd, his servitour, furth of the lands of Braikansyd, in ye moneth of July last. Fyllit yrof.

Item, q<sup>r</sup> Jon Jonstonne in Hilhous wes accusit for steilling, &c. of certane plenishing, sik as ane number of lyneing and wollin claites, with ane brassin pan, perteneing to Gawin Jonstonne in Annandholme, furth of his scheill in Capelholme, in ye moneth of July last, or yrby ; and for the steilling of ane yoow scheip and ane wedder scheip perteneing to Syme Corrie in Milkiesmos, about Mid-sommer last, or yrby ; and for breking of the scheill perteneing to Jok Halyday in Dryffheid, at the tyme foresaid ; and for the steilling of ane uther scheip perteneing to Bessie Kennydie in Dryffheid, furth of the lands of Dryffheid, about July last or yrby ; and for the steilling of four barkit hydys perteneing to William Jonstonne in Cauldholme, in ye moneth of August instant, furth of his hous in Cauldholme. Fyllit of the hail.

Item, q<sup>r</sup> Willie Carutheris in Dombie is accusit, &c. for steilling of aucht fat scheip perteneing to Jon Mairtene, servitur to my Lord Hereis, furth of ye close of ye place of Hoddome, twa yeir syne or yrby. Clengit yrof.

Item, q<sup>r</sup> Francie Elliott, callit of Copschaw, is accusit for airt and pairt of ye steilling and resetting of twa naigis, ane perteneing to Jok Storrie in Lewin, Inglis-man, and the uther perteneing to Antone of the Scub, in ye moneth of Marche last. Fyllit of ye ressett of thame, and clengit of ye steilling of yame.

Item, q<sup>r</sup> Thome Armestrang in Quhittopmylne is accusit for steilling of aucht or nyne scheip, at seuerall tymes, furth of ye lands of Quhittope, perteneing to Jon Scott yr in Junij last. Fyllit of twa of thame.

Item, q<sup>r</sup> Rob Houd in Ower Ancrum is accusit for the steilling, &c. of three scheip, ane of them perteneing to Jon Buckholme in Ancrum, and ye uther twa to James Robiesonne yr, at Whittsonnday last or yrby, furth of ye lands yrof. Fyllit yrof in respect he cam at will.

Item, q<sup>r</sup> Andrew Gibbiesonne in Softlaw wes accusit for steilling, &c. of twa ky and ane ox perteneing to Thomas Mortoune of Fentoune, furth of ye lands of Fentoune Deane, upon Tuisday at nicht befor our latter Ladyday last wes. Clengit yrof.

And for the steilling of sex yoowis and ane wedder perteneing to the said Thomas Mortonne, upon Thursday efter Michaelmes bygane four yeiris, off the stible



land of Fentoune, at ye pairt yrof callit the Quhythiway. Fyllit yrof.

Item, q<sup>r</sup> Geordie Armstrong, callit Archies Geordie, is accusit for the steilling, &c. of sewin schein furth of ye lands of Baltingbus, perteneing to Robert Pringle yr, in ye moneth of December last; and for steilling, &c. of nyne schein furth of ye lands of Glunzeare, pertenang to Jon Cavart, in ye moneth of Februar last; and for ye steilling of ane meir perteneing to George Wauch younger, in Wodhouslyes, in ye May last furth of ye lands yrof; and for being fugitive and outlaw for ye saidis crymes. Clengis him of ye steilling of ye gudes above written, bot fyllis him as being fugitive, and remittis him to the Judges.

Item, q<sup>r</sup> Thome Armestrang, callit Wardane, wes accusit for steilling, &c. of ane ox perteneing to Doratie Armestrang in Bowholme, furth of the lands yrof, about Beltane last; and for ye steilling of sextene hoggis furth of ye lands of Rowingburn, perteneing to William Chysholme about Yuill. Fyllit of baith.

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*Penultimo Augustij 1622.—Tertio die dictæ Curie.—Sederunt. Domini Commissionarij ut supra.*

The said day, in presens of his M<sup>a</sup>ties saids Commissioners being sitting in judgment, Comperit Johne Galloway, laitt Baillie of Annand, actit himself as cawtionar and souertie for Mr Symeon Jonstonne, minister at Annand, that he, his wyf, bairnes, servands, nor na uther that he may stope or latt, sall not truble

nor molest Edward Jonstoune of Seyfield in Annand, his wyf, bairnes, servandis, guidis or geir, directlie nor indirectlie, utherways nor be order of law and justice, under ye pane of ane thousand merkis money; and the said Symont actit himself to releiff his said caw'r of the premissis.

The said day, Johne Bell of Castellbank actit himself judiciallie as caw'r and souertie for Edward Jonstoune of Seyfield, that he, his wyf, bairnes, servands, men, tenantis, nor na uther that he may stope or latt, sall not truble, hurt, nor molest Mr Symeon Jonstoune, minister at Annand, his wyf, bairnes, servands, men, tenentis, in thair bodyes, cornes, cattell, guidis, and geir, directlie nor indirectlie, utherways nor be order of law and justice, under the pane of ane thousand merkis money; and the said Edward Jonstoune actit himself to relieff his said caw'r in ye premisses.

The said day, Thomas Harknes in Lockarbie, actit himself as caw'r and souertie for Andro Jonstoune in Mylnebank, callit Auld Wallie, that he sall compeir personallie ye nixt Justice Court to be halden be his M<sup>at</sup>ties saids Commissionars, and underly his hienes lawis for all that is to be laid to his charge uponne fyftene dayes warneing, under ye pane of v<sup>c</sup>. merkis money; and the said Andro actit himself to relief his said caw'r in ye premissis.

The said day, Thomas Armestrang in Barnegleische, and Johne Armestrang in Nether Bagray, actit thame-selfis conjunctlie and severallie as caw<sup>rs</sup>. and souerties for Will Armestrang, callit of Benks in Sark, that he sall compeir personallie ye nixt Justice Court to be

halden be his Ma'ties Commissionaris, and underly his hienes lawis for all that is to be laid to his charge, under ye pane of v<sup>c</sup>. merks money, and that without any citatioune.

The said day, Robert Dicksonne of Birgim, enterit Thome Baueraige yr upon pannell; qrupon he askit ins'ts, and desyrit to be frie of his caw'rie.

The said day, William Crychtonne of Hill, actit himself as caw'r and souertie for Michael Cairleill in Heuch, that he shall compeir personallie ye nixt Justice Court to be halden be his Ma'ties saidis Commissionaris, and underly his hienes lawis for all that is to be laid to his charge, under ye said pane of v<sup>c</sup>. merkis money.

The said day, Johne Grahame in Mylnesteids, enterit Willie Wilsoune in Hairlaw upon pannell; qrupoun he askit ins'ts, and protestit to be frie of his caw'rie, qlk wes grantit.

The said day, Archibald Glendonning in Fiddeltounne, and Johne Graham in Thicksyd, enterit Lencie Glendonning, now in Dryff, Andro Glendonning in Riddingis, and Hob Glendonning in Huddishous, upon pannell, and protestit thay micht be fred of yair bands of caw'rie, qlk wes grantit.

The said day, Thomas Carutheris in Tailtrow, actit himself as caw'r and souertie for Thome Gillespie in Drummure, that he sall compeir personallie befor his Ma'ties saidis Commissionaris the nixt Justice Court to be haldin be thame, and underly his hienes lawis

for all that is to be laid to his charge, under the pane of v<sup>c</sup>. merkis money.

The said day, Alex. Armestrang, sone to Francie of Kinmonth, and Richart Grahame in Cannabie, enterit Francie Grahame, callit Bothwell's Francie, upon pannell, and protestit that thay might be frie of yr cawrie, qlk wes grantit, and ye said Francie dismiss be ye saids Commissionars to ane new citatioune.

The said day, Gawin Hendersonne in Bagraywod, actit himself as caw'r and souertie for David Dalrymple, notar in Brochtschaw, that he sall compeir personallie the nixt Justice Court to be haldin be his M<sup>a</sup>ties saids Commissionaris, and underly his hienes lawis for all that is to be laid to his charge, under ye pane of v<sup>c</sup>. merks.

The said day, Williame Mitchelhill, baillie in Selkirk, actit himself as caw'r and souertie for James Cowane in Selkirk, that he sall compeir personallie the nixt Justice Court to be haldin be his M<sup>a</sup>ties saids Commissionars, and underly his hienes lawis for all yat is to be laid to his charge, under ye pane of v<sup>c</sup>. merkis money.

The said day, Jon Halyburtonne of Mertoun, actit himself as caw'r and souertie for Geordie Halyburtonne callit of Mertoun, that he sall compeir the nixt Justice Court personallie to be haldin be his M<sup>a</sup>ties saids Commissionars at Jedburgh, and underly his hienes lawis for all that is to be laid to his charge, under ye pane of I<sup>m</sup>. merkis.

The said day, Jon Wilkiesonne in Selkirk actit himself as caw'r and souertie for Jonett Wilkiesonne, his dochter, that scho sall compeir personallie befor his M<sup>at</sup>ies saids Commissionars, and underly his hienes lawis for all that is to be laid to her charge, under ye pane of v<sup>c</sup>. merkis money.

The said day, Johne Nicoll in Craikhoip actit himself as caw'r and souertie for Will Elliott in Huntlaw, that the said Will sall cōpeir personallie befor his M<sup>at</sup>ies said Commissionars, and underly his hienes lawis for all that is to be laid to his charge, under the pane of v<sup>c</sup>. merkis.

The said day, Williame Rutherfurd, notar, actit himself as caw'r and souertie for Jonett Wicht in Yettame, that scho sall cōpeir personallie the nixt Justice Court to be haldin be his M<sup>at</sup>ies saids Commissionars at Jedburgh, and underly his hienes lawis for all that is to be laid to her charge, under ye pane of v<sup>c</sup>. merkis.

The said day, Williame Crychtonne of Hill actit himself as cawtionar and souertie for Edward Jonstoune of Seyfield, that he sall not truble nor molest George Grahame of Reidkirk, his wyf, bairnes, men, tennentis, and servands, and that they sal be harmeles and skaithles of him, his wyf, bairnes, men, tennentis, and servands in ther bodyes, lands, heritages, taks, steidings, cornes, cattell, guidis and geir, in tyme cuming, utherwayes nor be order of law and justice, under ye pane of I<sup>m</sup>. lib. money; Lyk as ye said Edward Jonstoune and Jon Bell of Hallbankis actit yameselfis, conjunctlie

and seuerallie, for to releiff the said Williame Crychtonne of Hill of ye haill premissis.

The said day, Johne Maxwell of Castellmylke actit himself as caw'r and souertie for George Grahame of Reidkirk, that Edward Johnssonne of Seyfield, his wyf, bairnes, men, tennentis, and servantis, sal be harmeles and skaithles of the said George, his wyf, bairnes, men, tennents, and servandis, and of all utheris quhom he may stope or latt, in thair bodyes, landis, heritages, rounes, possessions, cornes, cattell, guidis, and geir, in tyme cumyng, utherways nor be order of law and justice, under the pain of I<sup>m</sup>. lib. money; and the said George Grahame actit himself to relief his said cautioner in the premises.

The said day, Alex. Kirktonne, provost of Jedburgh, actit himself as caw'r and souertie for Thome Donaldsonne in Hardenheid, that he sall compeir personallie befor his M<sup>at</sup>ies saids Commissionaris the nixt Justice Court to be haldin be thame, and underly his hienes lawis for all that is to be laid to his charge, under the pane of I<sup>c</sup>. lib. money.

The said day, Thomas Caruthers in Taittrow actit himself as caw'r and souertie for Williame Carutheris in Dambie, that he sall cōpeir personallie befor his M<sup>at</sup>ies saids Commissionaris the nixt Justice Court to be haldin be thame, and underly his hienes lawis for all that is to be laid to his charge, without any citatioune, under ye pane of I<sup>m</sup>. merkis money.

The said day, Jone Davidsonne, callit of Birnyrig, being enterit upon pannell, actit himself judiciallie, of

his awin frie will and consentt, to be banishit furth of yis realme of Scotland, gif it wald please his M<sup>a</sup>ties saids Commissionars to dismis him af this present pannell qrintill he wes; qlkis Commissionars authorized and consentit, and he never to cum agane yrintill without licence of his M<sup>a</sup>ties Lords of his hienes Privie Counsell or Commissionaris foresaid, under ye pane of deid, without any tryell of assyse.

The said day, Francie Armestrang, callit of Kinmonth in Newbeck, actit himself as caw'r and souertie for David Jonstoune in Reidhall, that he sall cōpeir personallie the nixt Justice Court to be haldin be his M<sup>a</sup>ties saids Commissionaris, and underly his hienes lawis for all that is to be laid to his charge; and that he sall not escaip furth of ye freddome of ye burgh of Jedburgh, bot sall remaine in frie waird yrintill, under ye pane of I<sup>m</sup>. merkis money of yis realme; Lyk as Gawin Jonstoune, callit of Reidhall, actit himself to warrand, frie, and relief the said Francie Armestrang of his caw'rie in ye premises, under the said pane of ane thousand merkis money foresaid.

The said day, Jon Rutherfurd, callit Androis Johne, and James Hendersonne, fleschour, baith burgesses of Jedburgh, actit thamselffis, conjunctlie and severallie as caw<sup>rs</sup>. and souerties for Thome and Rob Colthartis in Welhauch, in Tyneheid, that thay and ilk ane of thame sall compeir personallie befor his M<sup>a</sup>ties saids Commissionaris ye nixt Justice Court to be haldin be thame, and underly his hienes lawis for all that is to be laid to yr charges, ilk ane of thame under the pane of v<sup>e</sup>. merkis money, and yat without any citatioun; Lyik as Jon Colthart in Baxstaneleyis, and Hob Hendersoune

in Byresteids actit thame, conjunctlie and seuerallie, to warrand furth and relieff the saids Jon Rutherfurde and James Hendersoune of thair becoming cawtioune in ye premises.

The said day, John Colthart in Baxstanelies, and Hob Hendersonne in Byresteids, actit thameselffis, conjunctlie and seuerallie, as caw<sup>rs</sup>. and souerties for Archie Colthart in Quheilrig, that he sall compeir personallie ye nixt Justice Court to be haldin be his M<sup>at</sup>'ties saids Commissionaris, and underly his hienes lawis for all that is to be laid to his charge, under ye pane of v<sup>c</sup>. merkis money.

The said day, Williame Scott of Burnefute, upon the watter of Aill, actit him as caw<sup>r</sup> and souertie for Geordie Jonsoune in Eschinsyd, that he sall compeir befor his M<sup>at</sup>'ties saids Commissionaris the nixt Justice Court to be haldin be thame, and underly his hienes lawis, under ye pane of v<sup>c</sup>. merkis.

The said day, George Grahame of Reidkirk actit himself as caw<sup>r</sup> and souertie for Geordie Grahame, callit Cristie's Geordie, that he sall not escaip nor flie furth of ye priviledge of the burgh of Jedburgh, bot sall remaine yrin quhill directione cum fra the Counsall; and also that he sall compeir personallie ye nixt Justice Court before his M<sup>at</sup>'ties said Commissionaris to be haldin be thame within ye bounds of ther commissiounes, and underly his hienes lawis, under ye pane of I<sup>m</sup>. merkis money.

The said day, the personnes under-namet



enterit upon pannell, and wes put to ye tryell  
of assyse following.

PERSOUNES PANNELLIT.

Johne Young in Toune of Roull.

Johne Jonstonne, callit Sha, in Tundergath.

Andro Batie in Scheill.

Adie Batie, ther.

Willie Wilsonne in Hairlaw.

Edward Lytle in Blaksark.

Archie Hendersonne, callit Watschode.

PERSOUNES OF ASSYSE.

Williame Crychton of Hill.

James Murray, notar in Selkirk.

William Elliott, Baillie of Selkirk.

William Purves, Thesaurar of Selkirk.

Syme Elliott, callit of Benkis.

Syme Scott, callit of Newtounne, in Hawick.

Antone Elliott in Rouchlie.

Johne Dickiesonne, Provest of Peiblis.

James Keine, Baillie of Selkirk.

Johne Halyburtonne of Mertounne.

Williame Midlemaist of Lillisleif Chappell.

James Williamsonne, lait Provest of Peiblis.

George Riddell in Selkirk.

Walter Scott, Eistport in Hawick.

Henry Davidsonne in Hoilfeild.

Quhilkis persones of inqueist being ressavit, sworne,  
and admitit, electit and chusit the said Jon Halyburtonn  
of Mertounne, chancellor.

Item, q<sup>r</sup> Andro and Adie Baties in Scheill wes ac-

cusit for the steilling, &c. of twentie scheip, perteneing to Jok Moffett in Bailliehill, furth of ye lands therof, in anno 1614 yeirs; and for the steilling, &c. of fyve auld gaitt, with yair kiddis, furth of ye lands of Cruiks, perteneing to Williame Kid in Cruiks, thrie yeir syne or yrby; and for ye steilling, &c. of aucht scheip perteneing to Thomas Murray in Boykeine, furth of ye lands therof, in anno 1616 yeirs; and for the steilling, &c. of four lambis perteneing to Willie Batie at Douchtie, thrie yeir syne or yrby; and for ye steilling of ane yoow perteneing to Jok Moffatt in Bilholme, furth of ye lands yrof, at Yuill last or yrby; and for ye ressetting of Alex<sup>r</sup>. Armestrang, callit Winterhoipheid, yair brother-in-law, and declairit fugitive and outlaw. Clengit of the haill.

Item, q<sup>r</sup> Jok Young in Roull wes accusit for ye steilling of ane yoow perteneing to \_\_\_\_\_ man to Will Scott in Weyms, at Lambues last or yrby, furth of ye lands of Roull. Clengit yrof.

Item, q<sup>r</sup> Jon Jonstonne, callit of ye Schaw, in Tundergath was accusit for steilling, &c. of ane scheip perteneing to Janet Schort, widow yr, furth of ye lands yrof, at Midsummer last or yrby. Clengit yrof.

Item q<sup>r</sup> Will Wilsoune in Hairlaw wes accusit for steilling, &c. of thrie scheip perteneing to Jon Irwing, callit of Gratnay hill, furth of the lands of Hairlaw, in July last. Clengit yrof.

Item, q<sup>r</sup> Edward Lytle in Blaksark wes accusit for steilling of ane meir perteneing to Thomas Welsch in

Graitnay, upon the xiiij day of August instant.  
Clengit yrof.

Item, q<sup>r</sup> Archie Hendersonne, callit Watschod, is  
accusit for the steilling, &c. of four scheip perteneing  
to Mungow Dalgleische in Windingtonerig, furth of  
ye lands yrof, about Sanct Mungowis' day last or yrby.  
Fyllit yrof.

The said day, in p<sup>ns</sup> of his M<sup>ties</sup> said Commis-  
sionars being sitting in judgment, Robert Jonstoune,  
callit of Levergay, Thome Bell in Androgill, Francie  
Hutchiesonne, his servitur, Jok the Grahame, sone to  
Randie of Fentonne, Willie Grahame in Stobohill,  
Johne Irwine, callit Ritchie's Jokkie, in Baukheid,  
Thome Tagart in Chappell of Conhease, Geordie Jon-  
sounne in Schawis, callit Couanehous, Adam Hall,  
callit of ye Buss, in Newbigging, Cristie Milliekene in  
Goldcoittis, Bessie Parker in Skandrig, Thome Ker in  
Cleughefield in Gimmenbie, Alex<sup>r</sup>. Jaksone, wobstar in  
Hilend, Jon Jonsounne in Yettis, Andro Murray, herd in  
Dolphingstonne, Jok Gillespie in Roundtrieknow, Will  
Dodes in Sowtray barnes, Andro Young in Toddeswode,  
Jon Batie in Tanlahill, Geordie Jonsounne in Schawis,  
Andro Davidsounne in Moffett, Adie Jonsounne in  
Schawis, David Forsyth, sone to Robert Forsyth, in  
Mayneholme, Being daylie callit upon during the haill  
space of yis p<sup>nt</sup> Court, to haif cōperit personallie be-  
foir his M<sup>ties</sup> saids Commissionaris this p<sup>nt</sup> Court,  
and underlyen his hieness lawis for certane crymes of  
thift, ressett of thyft, and uther crymes criminall, con-  
teneit in yair particular dittayes, and being lawchfullie  
summeit and arrestit for yat effect, with certifica-  
tionne gif thay faillyeit, that thay and ilk ane of thame

sould be declairit fugitives and outlawis fra his hienes lawis, and denunciit his Ma'ties rebells, and all yr movable guidis and geir escheit and inbrocht to his hienes use, &c. ; And because thay nor nane of thame cōperit in maner foresaid, thairfoir thay and ilk ane of thame wer declairit publicklie, thrie severall tymes, outlawis and fugitives fra his hienes lawis, and ordainet thame, and ilk ane of thame, to be denunciit rebellis, and putt to his hienes horne, and ordanit all yr moveable guidis and geir to be escheit and inbrocht to his hienes use, as wes pronouncit in judgment be ye mouth of Johne Jenkiesonne, dempstar of ye said Court.

The said day, in p'ns of his hienes saids Commissioners, being sitting in judgment, Johne and Thomas Frissellis, sons to the Laird of Overtoun, Jock Wig-hame in Quhittlieside, Archibald Lytil in Potim, James Quhyt, Geordie Mortoun, callit Ower the Burne, Gilbert Irwin in Stapletonne, John Roddan in Thorrald, Robert Latimer in Rockald, James Batie, callit Din Jamie, Geordie Turnbull of Belshes, Thome Lytil, Englishman, Archie Noble in Parkheid, Watt Nicksonne in Raw, Lencie Turnbull in Maxside, Sandie Hamilton, purse cutter, Thome Armstrang, wardane, Nikkie Moffat in Wamfray, John Johnson in Hillhous, Francis Elliot, Copshaw, Andro Gibbiesounne in Softlaw, and Archie Henderson, callit Watshod, being fund guilty and foull, be the persones of assize foresaid, of certain crimes of theft, ressett of theft, and others containet in their particular dittayes, were, by the said Commissioners, decernit and condampnit, they, and ilk ane of them, to be taken to the place of execution, and thair to be hangit by the heid ay and quhill they were deid, and all their lands, honouris, dignities, offices,

gudes and geir, to be escheit and inbrought to his hienes use, as was pronuncit in judgment be the mouth of the said Jon Junkiesonne, dempstar of the said Court.

The said day, Jon Taitt, callit Cheif, in Downow, Jon Glencors in Barnegleiche, Will Jonstonne in Linbrigfurde, Johne Reddick in Killhoil, Will Armestrang, Capelgill, Thome Armestrang in Quhittopmylne, Jeane Lyndsay, spous to Sandie Hamiltonne, Martha Finlasonne, Robert Houd in Ancrum, Geordie, Archies Geordie in Wodhouslies, being fund guiltie and foull of certaine crymes of small thyftes, and uthers conteinit in yr particular dittayes, were remitit be ye saids Commissionars to the Lords of Privie Counsall, to be censured be thame as accords; and to remain in geaill during ye Counsallis will.

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The Court of Justiciarie of ye Sherifffdomes of Roxburgh, Selkirk, Peiblis, Berwick, Dumfreis, and Stewartries of Kirkcudbrycht and Annandail, haldin at Jedburgh, the xxii day of October 1<sup>m</sup>. vi<sup>o</sup>. and twentie-twa yeirs, Be the Rycht Noble and Michtie Erle Walter, Erle of Buckcleughe, Lord Scott of Quhitchester and Eskdaill, Sir Andro Ker of Oxname, Knycht, Maister of Jedburgh, twa of his M<sup>a</sup>ties Commissionars, within the said bounds; James Cranstonne, officer; John Langtounne, dempster.

The said day, in p<sup>ns</sup> of his M<sup>a</sup>ties saids Commis-

sionars being sitting in judgment, Johne Glencorse in Barnegleische, William Jonstone in Linbrigfurde, Johne Reddick in Kilhoill, William Armestrang, Capilgill, Jeane Lyndsay, spous to Sandie Hamiltonne, Thome Armestrang in Quhittopmylne, Robert Houd in Ower Ancrum, and Jon Davidsonne in Birneyrig, and Martha Finlasonne, wer, at directionne and command of his Hienes Privie Counsall, decernit and condampnit to be banishit furth of baith the kingdomes of Scotland and England, and to remove yameselfis furth yrof betwixt and Mertimes nixt to cum, and neuer to returne agane without licence of his Ma'ties Lords of his Hienes Privie Counsall or Commissioners foresaid of ye saids midle shyres, under ye pane of deid, without any farder tryell; qrunto thay, and ilk ane of thame, actit thameselfis judiciaillie for ye effect, as wes pronuncit in judgment be the mouth of the said Johne Langtounne, dempster of ye said Court.

The said day, Robert Frissell of Owertounne, and George Taitt in Sholtem, actit yame thameselfis, judiciaillie, as caw<sup>rs</sup> and souerties, conjunctlie and severallie, for Jon Taitt, callit Cheif in Dowknow, that he sall compeir personallie the nixt Justice Court befor his Ma'ties saids Commissioners, and underly his hienes lawis for all that is to be laid to his charge, without any citationne, under ye pane of I<sup>m</sup>. merkis; and he actit himself to releif his saids caw<sup>rs</sup> in the haill premissis.

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The Court of Justiciarie of ye Sherifffdomes of Roxburghe, Selkirk, Peblis, Berwick, Dumfreis, and Stewartries of Kirkcudbrycht and Annandail, haldin and begune at Jedburgh, the

ellivint day of Februar Im. vi<sup>e</sup>. twentie-thrie yeirs, be ye Rycht Noble and Mychtie Erll Walter, Erll of Bukleuche, Lord Scot of Quhitchester and Eskdail, James Maxwell of Kirkconnell, Sir Williame Greir of Lag, Knicht, and Sir John Chartrous of Amysfield, Knicht, Commissioners and Justices to our Souerrane Lord within ye boundis forsaidis ; Robert Scott and Williame Carnwath, officers ; John Langtoun, dempstar.

The Court lawchfullie fenssit.

The said day, James Gordonne, broyer to ye Laird of Lochinvarre, being callit upon as cautionar for ye entrie of Williame Porter of Porterstoun, and being tryed be ye Lairdes of Lag, elder and younger, that ye said Wm. Porterstoun wes in waird within ye tolbuith of Dumfreis, continues him caw'n upone xv dayes warning, under ye pane of fyve hundreth merkis.

Continewis Wm. Armestrang, callit Bauld, in Quhisgills, as caw'r for Johne Armestrang, callit of Tweidane, his brother, as ye act beiris of befoir.

The said day, Johne Armestrang, Capelgill, enterit Wm. Armestrang upone pannell ; grupone he askit instrumentis, and protestit he nicht be frie of his caw'rie.

The said day, Williame Douglas of Quhitrig being callit uponne, enterit upone pannell, and all pairties havand entrie to persew him being thrie seuerall tymes callit upone at ye said tolbutth windowe, with intimatioun maid yatt he wes pannellit, and justice

wer to be ministrat upoun him as accords of ye law, and because nane compeirit to persew him in maner forsaide, he wes, be his Majesties saids Commissionars, dismissit and put to libertie, and declairit frie of his actis of cautioun qrbie he wes actit of befor for his entrie, quhill he war anew arreistit; grupone he askit instrumentis.

Continewis Thomas Carrutheris in Trailtrow, as caw'r for ye entrie of Thome Gillespie in Drummure, to ye nixt Court, under ye pane of v<sup>c</sup>. merks.

The said day, Michell Cairleill in Hughe, enterit uponne pannell, and actit himself judiciallie to compeir ye nixt Court, under ye pane of v<sup>c</sup>. merkis, and declairing of him fugitive of his awin consentt.

Continewis Wm. Ruyurfurde, notar in Jedburgh, as caw'r for ye entrie of Jennet Wicht in Yettome, to ye nixt Court, under ye pane of fyve hundreth merkis.

Continewis Alex<sup>r</sup>. Kirktonne, proveist of Jedburgh, caw'r for ye entrie of Thome Donaldsonne in Hardenheid, to ye nixt Court to be halden at Jedburgh, under ye pane of j<sup>c</sup>. pundis.

The said day, Johne Steill and Thome Irwyng in Toudhoip, entritt Robert Irwyng, wobster in Greinay; grupone thay askit instrumentis.

The said day, continewis Jon Hendersonne in Kerseclughe, as caw'r for ye entrie of Johne Michelsonne in Cruikburne, to ye nixt Court, under ye pane of v<sup>c</sup>. merkis.



The said day, William Armestrang, callit Rakkeis, enterit upon pannell, and actit himself judiciallie that he sall compeir personallie befor his M<sup>a</sup>ties Commissioners ye nixt Justice Court, under ye pane of v<sup>e</sup>. merkis, and declairing of him fugitive of his awin consent.

Continewis Gawin Tagartt and Ebbie Cavart, caw<sup>r</sup>s for ye entrie of Johne Armestrang in Hag, to ye nixt Court, under ye said paine.

Continewis Wm. Bell, callit Tweddell in Chappell-know, Thome Bennet, webster in Auchinbedrig, and Wm. Grame in Barnngleis, as caw<sup>r</sup>s, conjunctlie and seuerallie, for ye entrie of Johne Maweris in Ouer Ba-grae, to ye nixt Justice Court, under ye panes forsd.

Continewis George Grhame and Thome Armestrang, callit Mengertonn, as caw<sup>r</sup>s, conjunctlie and seuerallie, for ye entrie of Williame Grhame and Ebbie Carrutheris *alias* Wods, to ye nixt Justice Court, under ye pane of fyve hundreth merkis for ilk ane of thame.

The said day, Johne Baitty in Auchinbedrig, Wm. Carrutheris, and Alexander Carrutheris in Lynholme, entratt George Carrutheris in Barngles, upone pannell, and yrafter actit yameselffis anew agane, conjunctlie and seuerallie, for ye entrie of ye said Geordie, to ye nixt Justice Court, under ye pane foresaid.

The said day, Robert Bell *alias* Hill in Auchinbedrig, and Johne Armestrang in Syde in Barnngleis, enterit James Grhame in Barnngleis upon pannell, and

actit yameselffis, conjunctlie and seuerallie, anew agane for his entrie to ye nixt Court, under ye pane foresaid.

The said day, Johne Armestrang in Hoilhous, James Irwyng in Glinzeirheid, and Andro Irwyng in Nottyholme, entrat George Thomsoune in Bawholme upone pannell ; grupon thay askit ins'ts, and actit yemselffis anew agane for his entrie, to ye nixt Court, conjunctlie and seuerallie, under ye pane foresaid.

The said day, Johne Baittie in Auchinbedrig, and Johne Irwing in Brigganes, entret Johne Carrutheris in Barngleis upone pannell ; grupone thay askit ins'ts, and actit yemselffis anew agane, conjunctlie and seuerallie, for ye entrie of ye said Johne Carrutheris, to ye nixt Court, under ye pane of fyve hundreth merkis foresaid.

The said day, Willeame Jonstoune of Elschiescheillis, and Mathow Ewartt, bailye of Lochmaben, entrit Paitt Ewart in Lochmabene upon pannell, and desyrit thay mycht be frie of yair caw'rie ; grupon thay askit instruments. Lykeas, the said Mathow Ewartt, bailye of Lochmabene, actit himself for ye entrie of ye said Paitt Ewart, his sone, to ye nixt Justice Court, under ye pane foresaid.

The said day, Johne Laidlay in Calsay, and Adame Grhame in Harotfitt, enterit Johne Grame in Gunna-bie upon pannell, and protestit they myt be frie of yair caw'rie ; grupone they askit ins'ts.

The said day, Robertt Armstrang, callit Rakkesin-

syde, entrit Francie Armstrang, callit of Tweidane, and Archie Armstrang, callit Rakkes, upon pannell; grupon he askit ins'ts, and actit himself anew agane for yair entrie, to the nixt Court, under ye pane of v<sup>c</sup>. merkis for ilk ane of yem.

The said day, Andro Wilsoune in Glinzeair, enterit James Walleas in Barngleis upone pannell; grupon he askit ins'ts, and actit himself anew agane as caw'r for ye said James Walleas, that he sall enter to ye nixt Justice Court, under ye pane foresaid.

The said day, George Grame, callit Carleill, entrit Wm. Bell, his servetour, upon pannell, and protestit he micht be fred of his caw'rie; grupone he askit instrumentis.

The said day, Gilbert Elliott, sone to Gawin Elliott of Burghe, Andro Allane in Heidshaw, Johnne Gowanlok yr, James Coutart yair, and Jon Turnbull in Newton, entrit Mungo Scott in Castellsyd upone pannell; grupone thay askit instrumentis.

The said day, Robert Jairdonne of Lammebie, Aymer Millikene in Dryfholme, and Jon Millikene in Gouldcottis, entrit Cristie Millikene yr, upone pannell; grupone thay askit instruments.

The said day, James Glendinning in Byrholme, and Sandie Armstrang in Hardane, entrit Jon Armstrang, callit of Powsholme upone pannell, and protestit thay myt be frie of yr cawtion; grupone thay askit instruments.

Continewis Thomas Harknes in Lockerbie, as caw'r for ye entrie of Andro Jonsonne, callit Cristies Andro, in Milbank, to ye nixt Court, because ye said Thomas Harknes productit ane testimoniall subt<sup>t</sup> be Mr Robert Hereis, minister at Dryfsdaill, that he was bedfast seik aucht or nyne oulkis befoir.

The said day, Wm. Quhytt in Muslie, and Syme Quhytt in Ailsmure, enterit Hob Wigholme, sum tyme in Ailmire, upone pannell, and protestit thay nicht be frie of yair caw'rie; grupon they askit instruments. Lykeas, the said William Quhytt actit himself anew agane as caw'r for ye entrie of ye said Hob Wigholme, to ye nixt Justice Court, under ye pane of fyve hundreth merkis.

The said day, Andro Johnstoune in Kirktoune, actit himself anew as caw'r for ye entrie of Geordie Johnsonne, callit of ye Schaw, to ye nixt Court, under ye pane of ffyve hundreth merkis.

The said day, Robert Armstrang, callit Rakkes in Syde, enterit Archie Rakkes, his broyer sone, uponne pannell; grupone he askit ins<sup>ts</sup>. Lykeas, ye said Robert actit himself anew agane for ye said entrie of ye said Archie, to ye nixt Court, under ye said pane.

The said day, Mr Gilbert Elliott, sone to the Gudman of Stobbis, and Archie Elliott of Bowholme, enterit Will Elliott in Hiesches upone pannell, and actit yemselfis anew agane for his entrie, ye nixt Court, under ye pane of fyve hundreth merkis forsaid, conjunctlie and severallie.

Continewis John Jardene of Cleugheidis, as caw'r for ye entrie of Jok Grhame, miller at Dryffmylne, to ye nixt Justice Court, under ye pane of fyve hundreth merkis ; grunto he actit himself for the entrie, as his band beiris.

The said day, Archibald Maxwell of Bowhill, wes continewit caw'r for ye entrie of Alexander Jaksoun in Haliewode, to the nixt Court, under ye said panne.

The said day, Archibald Johnstone in Blakfurde, wes continewit caw'r for ye entrie of Andro Roull, chappman, to ye nixt Court, under ye said pane, as his bond beiris.

The said day, Christopher Irwyng in Stabletonne, and Herbertt Irwyng in Todhoillis, enterit Johne and George Irwyngis in Wodheids in pannell, and protestit they micht be fred of yr caw'rie ; grupon they askit instruments.

The said day, Johne Bell of Albie, entritt Ritchart Rae upone pannell ; gruponne he askit instruments, and yrefter actit himself anew agane, to ye nixt Justice Court for his entrie, befor his Ma'ties saidis Commissioners, under ye pane of v<sup>c</sup>. merkis.

The said day, Hew Scott, sone to Walter Scott of Harden, is continuit cautioner for ye entrie of Johne Watsons in Boldsyde, to his nixt call, under ye paine foressaid.

The said day, Alexr. Carrutheris in Lynholme, actit Johne Ewartt in Setthornis upone pannell, and

protestit he nicht be frie of his cawrie; grupon he askt instrumentis.

The said day, Johne Ewartt of Bodisbeck, enterit Andro Daudisoun in Moffet upone pannell, and protestit he nicht be frie of his cawtion; grupon he askt instrumentis.

Continewis Robert Elliott of Reidheuch, as caw'r and souertie for ye entrie of Rowie Croser in Harts-garth, to the nixt Justice Court, under ye said pane of v<sup>o</sup>. merkis.

*Duodecimo Februarij, 1623.*

*Sederunt Domini Commissionarij ut in die precedenti.*

The said day, Johne Haliburtonne of Mertonne, enterit George Haliburtonne yr, upon pannell, and actit himself anew agane as caw'r for ye said Geordie, that he sall enter to ye nixt Justice Court, under the pane of Im. merkis, befor his Ma'ties Commissioners, and underly his hienes lawis for all that is to be laid to his charge.

The said day, Thomas Carrutheris of Trailltrow enterit William Carrutheris in Dombie upon pannell, and thereafter actit himself anew agane yat he sall compeir ye nixt Justice Court befor his Ma'ties Commissioners, to underly his hienes lawis, under ye pane of Im. merkis.

The said day, Thome Irwing in Archerbeck actit himself as cautioner and souertie for Robertt Irwyng,

wabster in Greiney, that he sall compeir ye nixt Justice Court befor his Ma<sup>t</sup>ies saids Commissioners, and underly his hienes lawis, under ye panne of v<sup>c</sup>. merkis.

The said day, Thomas Graham in Nettyholme actit himself as caw<sup>r</sup> and souertie for Will Bell, servitor to George Grame, callit Carleill, yt ye said Will Bell sall compeir personallie befor his Ma<sup>t</sup>ies saids Commissioners ye nixt Justice Court, and underly his hienes lawis, under ye paine foresaid.

The said day, Lencie Armstrang of Quhitheuch, and Sandie Armstrang in Harden, actit yemselfis conjunctlie and severallie, as caw<sup>r</sup>s for Johne Armstrang, callit Pousholme, yat he sall compeir ye nixt Justice Court personallie, and underly his hienes lawis, under ye paine foresaid.

The said day, Hew Jonstoune, appearand of Newland, actit himself as caw<sup>r</sup> for Andro Daidsonne in Moffet, that he sall compeir personallie ye nixt Justice Court, and underly his hienes lawis, under ye said pane.

The said day, Syme Johnstoune in Foulshawis, actit himself as caw<sup>r</sup> for James Grahame yr, that he sall compeir ye nixt Justice Court personallie, under ye pane of v<sup>c</sup>. merkis foresaid.

The said day, Johne Johnstoune in Baittock, actit himself as caw<sup>r</sup> and souertie for Adame Mariorybankis in Baittok, and Walter Johnstoune in Greinhill, that they sall compeir personallie, ye nixt Justice Court,

and underly his hienes lawis, ilk ane of yem, under ye panne of fyve hundreth merkis.

The said day, Johne Ainslie, bailze of Jedbrugh, actit himself as caw'r and souertie for Wm. Johnstoune in Phalay, that he sall compeir personallie, ye nixt Justice Court, and underly his hieness lawis for all yt is to lay to his charge, under ye panne of v<sup>c</sup>. merkis.

The said day, Johne Clerk in Corheid, and Johne Bell in Hauche, actit yemselffis, conjunctlie and severallie, for ye entrie of Syme Clerk in Earllhauch to ye nixt Justice Court, to underly his hienes lawis, under ye paine of v<sup>c</sup>. merkis foresaid.

The said day, Johne Nicoll in Craikhop, enterit Wm. Elliott in Huntlaw upon pannell, and actit himself anew agane as caw'r for ye said Will, yat he sall compeir ye nixt Justice Court, and underly his hienes lawis, under ye said paine.

The said day, James Millykene in Blakmyre, enterit Fergie Millikene of Dunscoir upon pannell, and actit himself anew aganne as caw'r for ye said Fergie Miliken, yat he sall compeir personallie ye nixt Justice Court to be halden be his M<sup>a</sup>ties saids Commissioners, and underly his Hieness lawis, for all yat is to be laid to his charge, under ye paine of v<sup>c</sup>. merkis.

The said day, Niniane Halliday in Beddockholme, actit himself caw'r and souertie for Johne Atchisoune in Corryphine, yat he sall compeir personallie, ye nixt Justice Court, befor his M<sup>a</sup>ties said Commissioners,



and underly his hienes lawis for all yat is to lay to his charge, under ye panne of v<sup>c</sup>. merkis.

The said day, Syme Clerk in Earlhauche, actit himself as caw<sup>r</sup> and souertie for John Clerk in Corheid, that he sall compeir personallie ye nixt Justice Court, and underly his hienes lawis, for all yat is to be laid to his charge, under ye said paine.

The said day, Wm. Ker, callit of Ancrum, actit himself as caw<sup>r</sup> and souertie for Thome Howde in Ouer Ancrum, that he sall compeir personallie ye nixt Justice Court, and underly his hienes lawis, under ye said panne.

The said day, Johne Jardane in Cleugheid, actit himself as caw<sup>r</sup> and souertie for Willie Laidlay in Braikanric, that he sall compeir personallie befor his M<sup>a</sup>ties saids Commissionars, the nixt Justice Court to be haldin be thame, and underly his hienes lawis for all yat is to be laid to his charge, under ye said paine.

The said day, Johne Faireis, elder, in ye Kers of Kendle, actit himself as caw<sup>r</sup> and souertie for Jon and James Faireis, his sones, that thay, and ilk ane of thame, sall compeir personallie, befor his M<sup>a</sup>ties saids Commissioners the nixt Justice Court to be halden be thame, and underly his hienes lawis for all yat is to be laid to thair charge, under ye said paine of v<sup>c</sup>. merkis for ilk ane of yame.

The said day, Williame Irwine in Eckilfechane, actit himself as caw<sup>r</sup> and souertie for David and Mairtene Byris, that they sall compeir personallie befor his

Mãties saids Commissioners the nixt Justice Court to be halden be thame, and underly his hienes lawis for all yat is to be laid to his charge, under ye pane fore-said for ilk ane of thame.

The said day, James Grahame in Corriellaw actit himself as cautionar and souertie for John Irwing, sone to David Irwing in Auchinslaye, that he sall compeir the nixt Justice Court befor his Mãties saids Commissioners, ye nixt Justice Court to be haldin be thame, and underly his hieness lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Francie Batie in Steill, actit himself as cautioner and souertie for Mungo Batie in Carretrig, that he sall cõpeir personallie befor the nixt Justice Court to be halden be his hieness saids Commissioners, and underly his Mãties lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Law Foster in Grenay actit himself judicially that he sall compeir befor his Mãties saids Commissioners the nixt Justice Court to be halden be thame, under ye said pane of v<sup>c</sup>. merkis.

The said day, John Jardane of Cleugheids actit himself as cautioner and souertie for Sandy Elliott in Waulpippis, Wm. Makbrome in Goldcoittis, Williame Jardane in Hall, and Andro Ker in Broomehills, Jok Jonstone in , Thomas Skaillis in Spedlingis, and Christie Milliekene in Goldcoitt, that thay, and ilk ane of yame, sall compeir personallie befor his Mãties saids Commissioners, and underly his hienes lawis the

nixt Justice Court to be halden be thame, under ye said pane of v<sup>c</sup>. merkis for ilk ane of thame.

The said day, Watt Bell in Midleschaw actit himself as cautioner and souertie for Jok Bell in Midleshaw, that he sall compeir personallie, the nixt Justice Court to be halden be his M<sup>a</sup>ties saids Commissioners, and underly his hienes lawis, under ye said pane.

The said day, Jaffray Irwine actit himself as cautioner and souertie for David Iruing in Midleshaw, that he sall compeir personallie befor his M<sup>a</sup>ties saids Commissioners, the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Jon Grahame in Grimmenbie, actit himself as cautioner and souertie for Willie Bell, callit Johnes Willie, that he sall compeir the nixt Justice Court to be halden be his M<sup>a</sup>ties saids Commissioners, and underly his hienes lawis, under ye said pane.

The said day, Williame Irwing in Eckilfechaine, actit himself as cautioner and souertie for George Bell, callit the Sid, that he sall compeir personallie befor his M<sup>a</sup>ties said Commissioners, the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye pane foresaid.

The said day, Robert Dinwiddie, enterit David Dinwiddie in Earswod, and protestit that he micht be free of his act of cawtion, qlk wes grantit be the saidis Commissioners, grupon he askit instruments; Quhilk David

Dinwiddie wes theirefter putt to libertie, and dismiss be ye saids Commissionars till he wer anew arrestit.

The said day, Robert Elliott of Dunlbyre actit himself as cautioner and souertie for Robbie Armstrang in Greinay, and Johne Armstrang, his brother, that thay sall compeir personallie befor his M<sup>a</sup>ties said Commissionars the nixt Justice Court to be haldin be thame, and underly his hienes lawis, under ye pane of v<sup>c</sup>. merkis for ilk ane of thame.

The said day, Patoune Bell in ye water of Milk, actit him as cautioner and souertie for Francie Young, sone to James Young in Tundergath, that he sall compeir personallie befor his M<sup>a</sup>ties saids Commissionars, the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, James Langtoun in Earlehauch, actit him as cautioner and souertie for Rob Porteous yr, that he sall compeir personallie befor his M<sup>a</sup>ties said Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Jon Rutherfurde, callit Androis Jon, burges of Jedbrugh, and James Hendersoune, burges ther, actit thameselffis, conjunctlie and severallie, for Hob and Thome Colthart in Welhauch, in Tyneheid, that they sall compeir personallie befor his M<sup>a</sup>ties saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, ilk ane of thame, under ye pane of v<sup>c</sup>. merkis. Lyk as, Jon Colthart in

Bagstaneley, actit himself to warrand freith, relief and skaithles keip, the said Jon Rutherford and James Hendersoune, of thair becuming caution, in manner foressaid, of the haill premissis.

The said day, James Langtoun in Earlehaugh, actit him as cautioner and souertie for Thome Rodger in Park, that he sall compeir personallie befor his M<sup>at</sup>ties saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Johne Colthart in Bagstanelies, actit him as cautioner and souertie for Archie Colthart in Linsburne, that he sall compeir the nixt Justice Court to be halden be his M<sup>at</sup>ties saids Commissionars, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Robert Armstrang, callit Raccas in Side, actit him as cautioner and souertie for James Dittone in Greanay, that he sall compeir personallie befor his M<sup>at</sup>ties saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Robert Jonstoun in Kirtill, and Watt Irwyng, ther, actit thameselfis, conjunctlie and severallie, as cautioners and souerties for Jok Ewart in Setthornis, that he sall compeir personallie befor his M<sup>at</sup>ties saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis ; Likas the said Ro-

bert Jonstoune actit him for relief of the said Watt Irwing.

The said day, William Chalmeris in Barnehills, and Georgie Crichtoune in Bangaes, actit yame, conjunctlie and severallie, as cautioners and souerties for Andro Jonstoune in Myreheid, that he sall compeir personallie befor his M<sup>a</sup>ties saids Commissioners the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis; Likas ye said Andro Jonstoune actit himself to relief his said cautioners in ye premissis.

The said day, Hob Irwine in Todhoillis, actit him as cautioner and souertie for Jon Irwine in Wodheid, in Stabletoune, that he sall compeir personallie the nixt Justice Court to be halden be his M<sup>a</sup>ties saids Commissioners, and underly his hienes lawis, under ye pane foresaid.

The said day, Thomas Fogo and William Champlay, burgesses of Jedbrugh, actit thameselffis, conjunctlie and severallie, as cautioners and souertie for George Frissell, burgess of Jedbrugh, that he sall compeir personallie befor his M<sup>a</sup>ties saids Commissioners the nixt Justice Court to be halden be thame, and underly his hienes lawis for all that is to be laid to his charge, under the pane of l<sup>m</sup>. merkis money.

The said day, Hercules Jonstoune in Lockarbie, actit him as cautioner and souertie for Jon Jonstoune, callit Pettis Jonne, in Auldwallis, that he sall compeir personallie befor his M<sup>a</sup>ties saids Commissioners the

nixt Justice Court to be haldin be thame, and underly his hienes lawis, under ye pane of v<sup>c</sup>. merkis.

The said day, Hob Irwing in Todhoillis, and David Robsoun in Stockis, actit thame, conjunctlie and severallie, for Geordie Irwin in Wodheid, in Stabletoun, that he sall compeir personallie befor his M<sup>a</sup>ties saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Jon Elliott, callit Dods, in Thorlieshoip, and Jon Turnor in Nether Nesbit, actit thame-selffis, conjunctlie and severallie, as cautioners and souerties for Michael Birnie in Fairnylies, that he sall compeir personallie befor his M<sup>a</sup>ties saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis for all yat is to be laid to his charge, under ye said pane of v<sup>c</sup>. merkis.

The said day, Thomas Jonstoun of Beirholme actit himself as cautioner and souertie for Jon and Williame Aitchiesoun in Brayfield, that they sall compeir personallie befor his M<sup>a</sup>ties saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said paine of v<sup>c</sup>. merkis for ilk ane of thame. Lykas, the saids Jon Aitchiesoun, elder, Jon, Williame, and Hob Aitchiesoun, his sons, actit yameselffis, conjunctlie and severallie, to relief the said Thomas Jonstoun of his becuming cawtione in ye premissis.

The said day, James Jonstoun, callit Auld Jamie of Braikansyd, and David Moffett in Moffett, actit

yameselffis, conjunctlie and severallie, as cautioners for James Mairtene in Dyik, that he sall compeir personallie befor his Ma'ties saids Commissioners the nixt Justice Court to be haldin be thame, and underly his hienes lawis, under ye said pane.

The said day, David Quhippo in Boig, Francie Armstrang, callit of Kinmonth, and Robert Grahame, callit of Gillesbie, actit thame, conjunctlie and severallie, as cautioners and souerties for Jon Armstrang of Wodhouslies, that he sall compeir personallie befor his Ma'ties saids Commissioners the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Thomas Laidlay in Meidschaw, James Laidlay in Fairnylies, Jon Laidlay in Dryhoip, actit yameselffis, conjunctlie and severallie, as cautioners and souerties for Hob Laidlay in Meidschaw, that he sall compeir personallie befor his Ma'ties saids Commissioners the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Robert Moffett of Altoune actit himself as cautionar and souertie for Watt Young in Setthornes, that he sall compeir personallie befor his Ma'ties saids Commissioners the nixt Justice Court to be haldin be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Hew Scott in Greinheid, sone to Walter Scott of Harden, actit himself as cautioner and souertie for Jon Quhit in Greinheid, that he sall com-



peir personallie befor his Ma<sup>t</sup>ies saids Commissionars, the nixt Justice Court to be haldin be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Jon Bell in Albie, actit himself as cautioner and souertie for Cristie Irwing, callit of Robgill, that he sall compeir personallie befor his Ma<sup>t</sup>ies saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Robert Taitt in Cessfurdmaynis, and George Melros, ther, actit yame, conjunctlie and severallie, for Williame Taitt in Cessfurdmaynis, that he sall compeir personallie befor his Ma<sup>t</sup>ies saids Commissionars the nixt Justice Court to be halden be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup>. merkis.

The said day, Williame Crychtoun of Hill enterit Michael Cairleill in Heuch upon pannell, and desyrit yat he micht be fred of his act of cawtion, qlk wes grantit, grupon he askit instrumentis; Qlk Michael Carleill wes yairefter dismissit be his Ma<sup>t</sup>ies saids Commissionars, and put to libertie to ane new citatioun or arreistment.

The said day, Gawin Jonstoun of Cairtertoun, and Richart Storrie, servitor to James Jonstoun of yat ilk, actit thameselfis, conjunctlie and severallie, as cautioners and souerties for Walter Jonstoun, callit of Nynholme, that he sall not eschew furth of ye tolbuith prisoun of Jedburgh, qrintill he presentlie re-

mains, till he be sett to libertie be the Lords of his Ma<sup>t</sup>ties Secret Counsell, or Commissioners foresaid, under ye said pane of v<sup>c</sup> merkis; Lykas, the said Gawin Jonstoune of Cairtertoune, actit him to relief the said Richart Storrie of ye hail premissis.

The said day, Symeon Wilsoune in Preisthauch, Jon Mairtene in Branholmetoune, Robert Mairtene in Chapelhill, and William Cowane in Craik, actit yameselfis as cautioners and souerties, conjunctlie and severallie, for Hob Cowane in Ailmure, that he sall compeir personallie befor his Ma<sup>t</sup>ties saids Commissioners the nixt Justice Court to be halden be thame, and underly his hienes lawis, under the said pane of v<sup>c</sup> merkis; Lykas, the said Williame Cowane actit him to releif the rest of ye cautioners above namet of the hail premissis.

The said day, Robert Rutherfurd of Edzerstoune, actit him as cawtioner and souertie for Williame Ainslie, callit Wouplaw, that he sall compeir personallie befor his Ma<sup>t</sup>ties saids Commissionars the nixt Justice Court to be haldin be thame, and underly his hienes lawis, under ye said pane of v<sup>c</sup> merkis.

The said day, Andro Rutherfurd in Greinis actit him as caw<sup>r</sup> and souertie for Jok Rutherfurde, callit of ye Brae, that he sall compeir personallie befor his Ma<sup>t</sup>ties saids Commissionaris the nixt Justice Court to be haldin be thame, and underly his hienes lawis, under ye said pane.

The said day, Andro Allane in Heidschaw, and Jon Cambell in Newtoun, actit yameselfis, conjunctlie and severallie, as cautioners and souerties for Mungow

Scott in Castelsyd, that he sall compeir personallie be-  
foir his M<sup>a</sup>ties saids Commissionars the nixt Justice  
Court to be haldin be thame, and underly his hienes  
lawis, under ye said pane of v<sup>c</sup>. merkis.

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The Court of Justiciarie of the Sheriffdomes of  
Roxburgh, Dumfreis, Berwick, Selkirk, Peiblis,  
and Stewartries of Kirkcudbrycht and Annan-  
daill, haldin and begun at Jedburgh, the xv  
day of Apryle, the yeir of God Im. VI<sup>c</sup>. and  
twentie-three yeirs, Be the Rycht Noble and  
Michtie Erle Walter Erle of Buckcleughe, Lord  
Scott of Quhitchester and Eskdaill, Williame  
Lord Cranstoune, Andro, Maister of Jedbrugh,  
Sir William Seytoun of Kyllismure, Knycht,  
Sir Jon Murray of Phillophauch, Knycht, James  
Maxwell of Kirkconnell, Sir Williame Grier-  
son of Lag, Knycht, and Sir Jon Charteris of  
Ammisfield, Knycht, Commissionars and Jus-  
tices to our Souerane within the haille boundis  
foresaid, be vertew of his Hienes Commissione,  
under his M<sup>a</sup>ties Greit Seale; Robert Scott  
and Stevin Young, messengeris and officeris;  
Johne Lautoun, dempster.

The Court lawchfullie fenssit.

The said day, William Armstrang, callit Bald, in  
Quhisgillis, being callit upon as cautioner and souertie  
for ye entrie of Jon Armstrang callit of Tueden, his  
broyer, before his M<sup>a</sup>ties Commissionars; Quha yrefter  
wes maid frie of his said act of cautioune be his M<sup>a</sup>-  
ties said Commissionars, and dischargit yrof.

*Decimo sexto Aprilis Im. VI<sup>to</sup> xxiiiij yeirs.  
Sederunt Domini Commissionarij ut in die precedenti.*

The said day, James Irwine of Cleugheids, actit himself as cautioner and souertie for James Jonstoune, callit Auld Jamie of Braikansyd, that the said James sall compeir personallie befor his Ma<sup>ties</sup> saids Commissioners the nixt Justice Court to be halden be yame, within the bounds of yair commissioun, without any citatioun, and underly his hienes lawis for all yat is to be laid to his charge, under ye pane of Im. merkis money; and ye said James Jonstoune actit himself to relief his said cautioner in ye premissis.

The qlk day, the persounes under-namet being callit upone, enterit upon pannell, viz. :—

Thomas Haliday in Moline.  
Geordie Thomsoune in Burnswarklies.  
Hob Nicksoune, callit Scabbit Hob.  
Ralff Hair in Wodburne.  
Johne Armestrang in Catgill.  
Adie Armstrang in Griens.  
Syme Jonstoune, callit Birnie.  
Thome Carutheris, callit Murchum.  
Andro Lytle in Bombie.  
Robert Lytle, his broyer.  
Adam Batie in Craighous.  
James Jonstoune in Rammarhill.  
Andro Craik in Dinwiddie.  
Jon Hall, callit ye Chief, in Newbiging.  
Lancie Hall, ther.

Syme Elliott, callit Gyde.  
Alie Armestrang, callit of ye Syde.  
Rowie Foster, callit Ower ye Moss.  
Jon Bell, callit Lamb.  
Archie Rattrie in Syd, callit Armestrang.  
Francie Armestrang, callit of Tealden.

Persounes of Assyse following, being ressavit,  
sworne, and admittit judiciallie.

James Gibsoune of Inglistoune.  
Andro Cunynghame of Gairstoune.  
Johne Hunter of Craiginkene.  
Steine Laurie, merchand burgess of Drumfries.  
Mr James M'Math, of yat ilk.  
Hew Douglas of Mortoune.  
Andro Douglas, appearand of Frierschaw.  
Robert Scott, callit of Altoune, bailye of Hawick.  
Johne Dicksoune, provest of Peiblis.  
George Ker of Newhall.  
Robert Scott, callit Mariounes Hob, laitt bailye of  
Hawik.  
Robert Scott, callit West Portt, in Hawick.  
Johne Riddell, appeirand of yat ilk.  
George Ker of Cavers.  
Gilbert Ker of Lochtoure.

The haill persounes of inqueist electit, and choisit ye  
said Johne Riddell appearand of yat ilk chancellor.

Item, qr Syme Johnnestoune, callit Birny, is indyttit  
for the thifteous steilling, &c. of thrie scheip furth of  
ye lands of Graitnay, pertaining to Barbara Charil-  
toune, yair, in ye moneth of Marche last. Clengit yrof.

Item, q<sup>r</sup> Ralff Hair in Wodburne is accusit for airt and pairt of ye thifteous steilling, &c. of sevintene scheip, at seuerall tymes, perteneing to George Chisholme of Wodburne, furth of ye lands yairof, about Mertymes last or yairby, and last, about New Yeir day last bypast, for ye thifteous steilling of nine of ye said scheip. Clengit of ye haill.

Item, q<sup>r</sup> Geordie Thomsoun in Burneswarklie was accusit for thifteous steilling, &c. of fyftene yowes furth of ye lands of Blakesk, perteneing to James Haliday, in ye moneth of Marche gane ane yeir, and for ye thifteous steilling of sevin yowes furth of ye lands of Gimmabie, perteneing to William Jonstoun of Gimmabie, at Lambas last or thairby. Clengit of baith.

Item, q<sup>r</sup> Jone Hall, callit Cheiff, in Newbigging, and Lancie Hall, ther, ar accusit of airt and pairt of the thifteous steilling of ane meir perteneing to Roger Hall in Daviescheill, furth of ye lands yairof. Clengit of the same.

Item, q<sup>r</sup> Andro Craik in Dinwiddie is accusit for the thifteous steilling of ane firlott of corne, and twa pekis of grottis, and twelf tailyeis of beyff, perteneing to Adame Dinwiddie, smith in Mossyde, furth of the lands yairof, about Yuill last or yairby. Remittis him to his M<sup>a</sup>ties saids Commissionaris, to be censurat as accordis.

Item, q<sup>r</sup> Johne Hall, callit ye Cheiff, in Newbigging, Lancie Hall, thair, ar accusit for airt and pairt of ye thifteous steilling and resetting of sevin nolt, sax of yem perteneing to Isaac Patersoun in Huronnesclois,

four of yem ky, ane ox, and ane stott, and ane uther ox perteing to Jon Meitfurd, thair, furth of ye lands of Heronnescloise, about ye first Ladie-day last. Clenges thame of ye thift, but fyllis thame upone ye ressett of ye said nolt, and being airt and pairt with John Hall of Heviesyde, being ane outlaw and fugitive in selling of thame.

Item, q<sup>r</sup> Thome Carutheris in Murthum is accusit for the steilling, &c. of five scheip perteing to Francie Armstrang in Munbiehirst, furth of ye lands thairof, in ye moneth of December last or yairby; and for the steilling, &c. of thrie scheip perteneing to John Ritchartsonne in Grystaill, furth of ye lands yairof, upone Tysday ganne aucht dayes. Clengit of baith.

Item, q<sup>r</sup> he is accusit for ye thifteous steilling, &c. of twa scheip perteing to Andro Hoip in Munbihirst, furth of the lands thairof, about aucht dayes syne or yrby; and for ye thifteous steilling of ane other yow with lamb, perteing to Dorie Armstrang in Bowholme, furth of ye lands yrof. Fyllit of baith upon his awin confessione.

Item, q<sup>r</sup> Hob Nixsoune, callit Scabbit Hob, is accusit for the thifteous steilling, &c. of sax yowis perteing to Rosie Armstrang and her tennentis, furth of ye lands of Mangertoune, about New Yeir Day last or thairby. Clengit thairof.

Item, q<sup>r</sup> he is accusit for ye thifteous steilling, &c. of thrie scheip perteneing to ye said Rosie Armstrang in Mengertoune and hir tennentis, furth of ye lands thairof, in ye moneth of December last or thairby; and

for ye thifteous steilling of fyve scheip perteing to ye said Rosie Armstrang, furth of ye lands of Manger-tounne, on Yuill day last. Fyllit of baith.

Item, q<sup>r</sup> Thome Haliday in Molem is accusit for ye thifteous steilling of ten scheip perteneing to Corsbie in Crawfordmure, furth of ye lands of Kirkhoip, upone ye saxtene day of December last or yrby; and for ye thifteous steilling of twa nowt furth of the lands of Cathill, perteing to Jon Gibsonne, merchand burgess of Dumfreis. Fyllis him upone his awin confession of ane.

Item, q<sup>r</sup> James Jonstonne in Rammerhill is accusit for the thifteous steilling, &c. of ane yow perteing to Thomas Pott in Dinwiddie, furth of ye lands of Greitheid, in Fasterringsewin last, and for generall thift. Clengit of baith.

Item, q<sup>r</sup> he is accusit for ye steilling, &c. of ane wedder scheip perteing to Robert Mayne, furth of ye lands of Greitheid, uponn ye xxvj day of Merche last by past. Fyllit yrof on confessione.

Item, q<sup>r</sup> Jon Armstrang, callit Catgill, is accusit for ye steilling, &c. of twa scheip furth of ye lands of Kirkconnell, perteing to in Kirkconnell. Fyllit upon his awin confession.

Item, q<sup>r</sup> Æbie Armstrang in Greinis is accusit for the steilling and robbing of Jon Elliott, blindman, his purs, and steilling furth yrof four punds money, and for murthering of himself, be casting of him ower ye brig of Ancrum in Merche last. Fyllit yrof.



Item, q<sup>r</sup> Rowie Foster, callit Ower ye Moss, is accusit for the thifteous steilling, &c. of twentie scheip furth of the lands of Meirdyiks, perteing to Walter, Erle of Buckcleughe, in the moneth of Januar last ; and for the steilling of twentie scheip furth of the lands of Callshiels, perteneing to Gawin Elliott, callit of ye Schawis, and Jon Nicksoune in Lawishill, in the moneth of Februar thrie yeir syne or yrby ; and for the steilling of ane mirk gray naig furth of ye lands of Chapelhill, perteing to Andro Lytle yr, in the moneth of Maij last. Fyllit of the haill.

Item, q<sup>r</sup> Adam Batie in Craighous, Andro and Robert Lytles, yr, and Jon Bell, callit Lamb, is accusit for airt and pairt of the thifteous steilling, &c. of four scheip furth of the lands of Albie, perteing to Jon Bell there, uponn Thursday gane aucht days, at nicht. Fyllis Robert Lytle yrof, and clengis Adam Batie, Andro Lytle, and Jon Bell of the same.

Item, q<sup>r</sup> Syme Elliott, callit Guyd, in Linsburne, Abie Armstrang, callit of ye Syd, Archie Armstrang, callit Raccas, and Francie Armstrang, callit Tueden, ar accusit for the steilling, &c. of thrie ky perteing to Jok Elliot, callit Dod, furth of the lands of Buceburne, about Midsummer last or thereby. Clengis Archie Armstrang, callit Raccas, and Francie Armstrang, callit Tueden. Fyllis Syme Elliott and Abie Armstrang thereof. (*Sic Subr.*) H. RIDDELL, C<sup>k</sup>.

*Decimo septimo die mensis Aprilis, Im. VI<sup>o</sup>. xxiiij.  
Sederunt Domini Commissionarij ut in die precedenti.*

The said day, William Rutherfurd, notar, in Jed-

burgh, enterit Jonet Wicht in Yettame upon pannell, and protestit that he might be frie of his act of cautionrie, quhilk was grantit, and he dischargit thereof; whereupon he askit instruments; quhilk Janet was thereafter dismissit, and put to liberty quhill she wer anew summoned be the saidis Commissioners.

The said day, Francie Batie in Steill, enterit Mungow Batie in Carretrig upon pannell, and protestit he might be frie of his act of caution, whilk was granted; quhereupon he asked instruments.

The said day, Jon Hendersoune in Kersecleughe, enterit Jon Mitchelsonne in Catcleughe upon pannell, and protestit he might be frie of his act of cautione, quhilk was grantit; quhereupon he askit instruments.

The said day, Thomas Fogo and William Champlay, burgesses of Jedburgh, entered George Frissell burges of Jedburgh, upon pannell; quhereupon he askit instruments, and protestit he might be frie of his act of cautionary.

The said day, Jon Jardane of Cleugheids, entered Will Jardane in Hall upon pannell, and protestit he might be frie of his act of cautionary, quhilk was grantit; quhereupon he askit instruments.

The said day, Thome Caruther of Trailtrow, entered Will Caruthers of Dumbie upon pannell, and protestit that he might be fred of his act of cautionary, whilk was granted; quhereupon he askit instruments.

The said day, Mathew Ewart in Lochmaben, entered

Pett Ewart, his sone, upon pannell, and protestit he might be fred of his act of caution, quhilk was granted; quhereupon he askit instruments.

The said day, William Ker of Ancrum, entered William Houd yr, upon pannel, and protestit he might be frie of his act of cautionary, quhilk was grantit; quhereupon he askit instruments.

The said day, Jon Jardane of Cleugheids, entered Willie Laidlay in Braikanwrae upon pannell, and protestit he might be frie of his act of caution, quhilk was grantit; quhereupon he askit instruments.

Persones following being called upon, entered upon pannell.

Robert Rutherford of Toftis.

Adam Robsoun in Auld Jedburgh.

Andro Pattersonne in Foultonne.

Walter Bell, callit Oswell's Wattie, in Middelbie.

Andro Armstrang, Quhythauch.

Geordie Carutheris, tailyeour.

Willie Wilsonne that cam fra Cairleill.

Geordie Thomsonne in Bowholme.

John Irwing, callit lang Laird Hoddin.

James Irwing, his broyr.

Jonstonne, his spous.

Johne Hall, callit ye Gumer, in Newbigging.

Archie Colthart in Quheilrig.

Andro Lytle in Craighous.

Johne Scott, thair.

George Frissell, burgess of Jedburgh.

Mungow Batie in Carretrig.

Pett Ewart in Lochmabane.  
Williame Carutheris of Dambie.  
Williame Jardane in Hall.  
Jon Mitchelsonne in Catcleuche  
Will Laidlay in Braikanwrae.  
Thomas Houd in Ower Ancrum.

The said day, the persons of assize following wer  
received, sworn, and admittit judiciallie, viz. :—

James Gibsonne of Inglistoune.  
Andro Cunyghame of Gardistoune  
Johne Hunter of Craiginkene.  
Stewin Lourie, burges of Dumfreis.  
Mr James Makmath of that ilk.  
Hew Douglas of Mortoune.  
Andro Douglas, apperand of Freirshaw.  
Robert Scott, callit of Altoune, Baillie of Hawick.  
John Dickiesoune, Provest of Peibles.  
George Ker of Newhall.  
John Turnbull of Howdoune.  
Johne Halyburtonne of Murislaw.  
John Riddell, appearand of that ilk.  
Francis Irwine, Baillie of Dumfreis.  
Robert Scott, Westport, at Hawick.

The said day, the haill persons of inquest chusit the  
said Jon Riddell chancellor.

Item, q<sup>r</sup> Thomas Houd in Ancrum was accusit for  
the thiteous steilling of twa ky furth of ye lands of  
Plassadge, in Ingland, in harvest bygane sevin yeirs or  
yrby, pertaining to Walter Scott of Todrig, and Robert  
Somervell in ye Midle. Clengit thereof.

Item, q<sup>r</sup> Pett Ewart in Lochmabene is accusit for ye steilling of twa ky, pertaining to Mr Robert Hendersonne, minister at Lochmabene, furth of the Comone of Lochmabene, in ye moneth of June last; and for the thifteous steilling of ane soir basenet meir pertaining to Robert Johnstone of Thornyquhatt, aff ye lands thereof, about Lambas last or thairby; and for the steiling of James Wilsonne in Hietrie, his purse, in Carleill, with ane hundreth punds thereyn, ane yeir syne or yrby. Clengit of the hail.

Item, q<sup>r</sup> Mungo Baitty in Carretrig is accusit for ye thifteous steiling, &c. of threttie-fye scheip pertaining to Mungo Wod in Sterkscheillhill, furth of the lands yairof, in November last or yrby. Clengit thereof.

Item, q<sup>r</sup> Johne Scott and Andro Lytill in Craighouse ar accusit for the thifteous steiling, &c. of ane broune ox furth of the lands of Boigburne, pertaining to Robert Pringle in Baittingbus, in ye month of February last; and for the steiling of ane blak naig furth of the lands of Greingaithous, pertaining to Jone Jairdane there. Clengit of the hail.

Item, q<sup>r</sup> Jon Hall, callit the Gumer, is accusit for ye steiling of ane meir furth of ye lands of Daviescheill in Inglan, pertaining to Roger Hall in Daviescheill, in ye month of June last by past. Clengit thereof.

Item, q<sup>r</sup> Johne Irwine, callit lang Laird Hoddame, James Irwine, his brother, and Jonstone, his spouse, ar accusit for airt and pairt of ye thifteous steiling, &c. of sevin gaitt furth of ye lands of Brochtschall, at several tymes, pertaining to Elizabeth Hardie,

spous to umquhill David Dalrymple, betwixt Yull and Candlemes last ; and for ye cruell burning of ane barne full of corne, beir, quheit, and ry, perteing to Wm. Bell in Holmheid, upon ye tent day of Februar last by past. Clengit of the haill.

Item, q<sup>r</sup> Willie Laidlay in Brackinrae is accusit for airt and pairt of the thifteous steiling, &c. of aucht scheip, at several tymes, perteing to Jok Haliday in Moskerswa, furth of ye lands thair of, in Januar last, viz. twa scheip and tw ahoggis upon ye xj day, twa upon the 12th day, and twa upon the xijj day. Clengit thereof.

Item, q<sup>r</sup> Will Carutheris, callit of Dombie, is accusit for ye thifteous steiling, &c. of thrie sheep perteing to Robert Jonstoune of Newtoun, furth of the lands of Hartwood ; and for ye steiling of uther thrie scheip fra Jon Roull in Possell, in ye month of January last, furth of ye lands yrof ; and for ye thifteous steiling of ane broun naig, quhyt fittit, at Yull gane ane yeir ; and for ye thifteous steiling of thirteen sheep perteing to Nicolas Jardaine, Ladie Howmaynes, nine yeir syne or thairby ; and for ye thifteous steiling of ane dune gray naig perteing to Jone Nicolsonne in Dattone, son to Ritchart Nicolsonne ; and for ye thifteous steiling of ane meir fra James Wilkie in Ouer Aymigle. Clengit of the haill.

Item, q<sup>r</sup> Geordie Carrutheris, wobstar in Nottieholme, is accusit for ye thifteous steiling, &c. of fifteen scheip perteing to Mr David Roger, Minister at Saint Mungowis, furth of the lands of Wattieholme, in Januar last. Clengit thereof.

Item, q<sup>r</sup> George Frissell is accusit for ye thifteous steiling, &c. of ane gray naig furth of ye landis of Eakle in Ingland, pertaining to Sir Wm. Selbie in Ingland, in ye month of May 1620. Clengit thereof.

Item, q<sup>r</sup> William Wilsonne, that come fra Carleill, is accusit for the thifteous steiling, &c. of sax scheip and xvij gaitt, pertaining to Gilbert Elliott of Stobbis, furth of ye lands of Stobbis and Teviotheid, in ye moneth of December 1620. Fyllit thereof.

Item, q<sup>r</sup> Andro Armstrang, Quhythauche, and Archie Colthart in Quheilrig, ar accusit for ye thifteous steiling of sax lambis pertaining to Johne Thomsoun in Parburne, and his servandis, furth thair of, about Midsomer last. Fyllit Andro upon the thyft, and Archie upon ye ressett, and making payment back again thair of.

Item, q<sup>r</sup> Robert Rutherfurde, son to Thome of the Toftis, is accusit for the thifteous steiling of twa studd meiris pertaining to Sir Harie Withrintonne and Will Bell, his man, furth of ye lands of Faupshoip, in ye hinder end of November last. Fyllit thair of.

Item, q<sup>r</sup> he was indyttit and accusit for ye steiling of four yowis pertaining to Andro Ruyfurde in Greinis, furth of the lands thair of, in ye month of October last by past; and for ye steiling of four yowis pertaining to Mr George Fraser in Bus, furth of the lands thair of, at Lambas last; and for ye steiling of twa wedderis and ane tuip pertaining to Johne Ainslie in Blakhall, furth of ye lands of Hillhous, in August last or thair-by; and for the steiling of ane yow pertaining to Wm.

Ainslie in Edgerstoune, in September last. Clengit of the hail.

Item, q<sup>r</sup> Andro Patersonne in Foultonne is accusit for ye thifteous steiling, &c. of ane ox and ane cow perteing to Effie Wilsonne in Eist Newtoun, in Glendaill, furth of the lands of Rottonwod in West Newtoun, at All Hallow Day gane ane yeir or thairby. Clengit thereof.

Item, q<sup>r</sup> he is indyttit and accusit for the thifteous steilling of saxteen yowis furth of ye lands of West Newtoun, perteing to ye inhabitants thairof, at Michaelmas gaine thrie yeir. Fyllit thereof.

Item, q<sup>r</sup> Johne Michelsonne in Catcleuch is accusit for ye thifteous steiling of four ky and ane ox, perteing to Andro Riddell of yat ilk, and of ane ox perteing to Johne Murray, servitor to Sir Johne Murray of Philiphauch, Knicht, furth of ye lands of Low, otherwise called the Catclughe, about Saint Androis day gane thrie yeir. Fyllit thereof.

Item, q<sup>r</sup> Wattie Bell, callit Oswallis Wattie, is accusit for the thifteous steiling of ane blak meir perteing to Johne Grahame, furth of the lands of Wylliehill, and of ane black naig furth of ye said lands, perteing to Will Bell there, upon ye tent day of Nov. 1621 yeirs. Fyllit of baith.

Item, q<sup>r</sup> Geordie Thomsoine in Bewholme is accusit for ye thifteous steiling of nine scheip from Mr John Douglas, Minister at Cannabie, furth of the lands of Cannabie, in Februar last; and for ye steiling of the blankettis. Clengit of baith.



Item, q<sup>r</sup> he was accusit for the steiling of ane clock perteing to Will Elliott, callit of ye Mylne, in Cassiltoun; and for ye steiling of twa scheip perteing to Andro Hoip in Mumbiehurst, furth of the lands thair of, within thir ten dayes, and for comoune pykrie. Fyllit of baith.

Item, q<sup>r</sup> Adam Robsoun in Auld Jedburgh is accusit for the thiftuous steiling of ane kow perteing to Dandie Olipher in Clariley, at Michaelmas last or yairby. Fyllit of the ressett thair of.

(*Sic Subscribitur*) H. RIDDELL.

The said day, Thome Laidlay in Meidshaw, James Laidlay in Fairneleyes, and John Laidlay in Dryhoip, enterit Johne Laidlay in Meidshaw upon pannel, and desyrit to be frie of yair act of cautione; quhilk Hob Laidlay was dismissit be ye saids Commissioners till he was anew arrestit againe.

The said day, Gawin and Jok Tagartis in Croisdynes, being callit upon, enterit upon pannell, and protestit they might be frie of yair act of caution, which was grantit; and, because nane compeared to persew them, were dismissit till ane new citation; quhereupon they askit instrumentis.

*Decimo octavo Aprilis 1623, being ye fourt day of ye said Court.*

*Sederunt Domini Commissionarij ut in die precedenti.*

The said day, Johne Faireis in Kers of Kendal, entered Johne and James Fareiss upon pannell, and de-

syrit they might be frie of yair act of caution, qlk was grantit ; quhereupon they askit instrumentis.

The said day, Syme Clerk and Robert Porteous in Earllhaugh, entered upon pannell, and protestit they might be frie of yair act of caution, qlk was grantit ; quha was thereafter dismissit till they wer anew arrestit ; quhereupon they askit instruments.

The said day, James Grahame in Corriellaw, enterit upon pannell, and protestit he micht be frie of his act of caution, qlk was grantit ; quha thereafter was dismissed till ane new citation ; quhereupon he askit instruments.

The said day, George Crichtoun enterit Andro Johnstoun of Myrheid upon pannell, and protestit he micht be frie of his act of caution, qlk was grantit ; quhereupon he askit instruments.

The said day, Johne Elliott, callit Dod, entered Michael Birnie in Fairnylies upon pannell, and protestit he micht be frie of his act of caution, qlk was grantit ; quhereupon he askit instruments.

The said day, Robert Armstrong in Syd, enterit James Datoun in Greenay upon pannell, and protestit he micht be fred of his act of cautionary, qlk was grantit ; quhereupon he askit instruments.

The said day, Law Foster enterit upon pannell, conforme to his act.

The said day, Patrick Jardane of Gotterbie, enterit

Jon Carrutheris upon pannell, and protestit he nicht be frie of his act of caution, qlk wes grantit. Quhilk Jon Carrutheris was thereafter dismissit to ane new arrestment be his Majesties said Commissioners ; quhereupon the said Patrick Jardane askit instruments.

The said day, Johne Rutherford in Kilboche, and James Grahame in Ormestoune, actit themselves, conjunctly and severally, as cautioners and sureties for Hob the Grahame in Uddleslab, and Walter Grahame his brother, that they sall compeir personallie befor his Majesty's said Commissioners the nixt Justice Court to be halden by yame, and underly his hienes lawis for all yt is to be laid to yr chargis ilk ane of yame, under the pain of 500 merks money. Likeas ye saids Hob and Thome Grahames actit yame, conjunctlie and severalie, to relief yr saids cautionar of ye premises.

The said day, Walter Turnbull of Bedroull, was continewit caution for the entry of David Turnbull, burgess of Jedburgh, to ye nixt Court, under ye said pain of v<sup>c</sup>. merks.

The said day, Jon Armestrang in Capelgill, enterit Willie Armstrong, callit Benks, upon pannel, and protestit he nicht be frie of his said act of cautionary, qlk wes grantit ; quhereupon he askit instruments.

The said day, Jonstonne of Escheillis, younger, enterit Thome Coulthart in Bektoune upon pannel, and protestit he nicht be frie of his said act of cautionary, qlk wes grantit ; quhereupon he askit instrumentis.

The said day, James Mitchelhill, burges of Selkirk, enterit James Cowane in Selkirk upon pannell, and protestit he nicht be frie of his act of cautionrie, qlk wes grantit; whereupon he askit instruments. Quhilk James Cowane was thereafter dismissit by his Majesties said Commissioners till he was anew arrested.

The said day, Andro Jonstonne, callit of Mylnebank, being enterit upon pannell of his awin consent, actit himsel, gif it wald pleis his Majesties saids Commissioners nott to put him to the tryell of ane assyse, that he wald be banishit furth of yis realme of Scotland, betwixt yis and Midsommer nixt, and neuer to return in ye samyn agane without licence of our Souerane Lord, the Lords of his Majesties Secret Counsall, or Commissioners, under the pane of deid of his awin consent, without farder tryell of law.

#### PANNELL.

Hob and Ebie Fosteris in Foulscheills and Greinay.

Geordie Jonstoune in Eschinsyd.

Robert Waugh.

David Batie, smyth.

Thome Bell in Androgill.

Jok Rae in Watcarrik.

Dauid Batie there.

Pett Murray in Swynesyd.

Will Elliott, callit Thomes Willie.

Johne and James Fairess in Kers of Kendle.

Andro Jonstonne in Myreheid.

Michaell Birnie in Fairnylies.

James Datoune in Greinay.

Law Foster there.

Willie Armstrang, callit of Benks.

Adie Douglas in Faysyd.

Thome Colthart in Bektoune.

PERSOUNES OF INQUEIST.

Williame Elliott callit Pillars baillie of Selkirk.

Syme Elliott in Thorleishoip.

Williame Elliott, late bailie of Selkirk.

Andro Jonstonne of Catlands.

Dauid Pringle of Howminns.

Ritchart Rutherfurde of Lytleheuch.

George Ker of Newhall.

Gilbert Grier of Chappell.

Williame Turnbull, portionar of Phillophauch.

James Williamsonne, lait provest of Peiblis.

Peter Browne in Disdeir.

John Greve, burges of Kelso.

James Jonstoune of Powdeane.

Watt Riddell in Wodhous.

Johne Gordonne of Bar.

The haill persones of inqueist being ressaut, sworn, and admittit, judiciaillie electit and chusit ye said Walter Riddell in Wodhous, chancellor.

Item, q<sup>r</sup> Hob Wauch is accusit for ye thiftuous, steiling, &c. of twa ky, pertaining to the Laird of Duncreiff, furth of the lands thairof, in the year of God 1619 years; and for ye steiling, &c. of ane yow, pertaining to James Mairtone in Dyik thrie yeir syne, or yrby. Clengit of baith.

Item, q<sup>r</sup> Andro Jonstoune in Myrheid, is accusit for the thifteous steiling, &c. of seven yowis pertaining to

Johne Grahame in Hahillis, furth of the lands yrof, about St Androis Day last bypast. Clengit thereof.

Item, q<sup>r</sup> Thome Bell in Androgill, is accusit for ye thifteous steiling of four scheip pertaining to William Carnwath, forth of ye lands of Carnwath, about Midsummer last. Clengit thereof; but fyllit him in respect he being fugitive, and remits him to the Judges.

Item, q<sup>r</sup> Johne and James Fareiss in Kers of Kendill, are accusit for ye steiling of eight scheip pertaining to Jok Gillaspie at ye Chappell of Johnstoune, furth of ye lands of Johnestoune mure. Clengit thereof.

Item, q<sup>r</sup> Jok Rae was indytit for ye steiling of aucht scheip pertaining to Jon Scot, clerk, forth of ye lands of Yetbyre, at Yull gane twa yeiris; and for ye steiling of aucht scheip forth of ye lands of Holme, pertaining to Steven Baitty, called Workman.

Item, q<sup>r</sup> David Batie in Wattirerake, for ye steiling of nine scheip pertaining to Jon Glendonning, crounar, Adame Glendonning, and Steven Beatty, furth of ye lands of Holme. Clengit of the hail.

Item, q<sup>r</sup> William Armstrang, callit Benkes, is accusit for ye steiling of twa oxin pertaining to William Armstrong of Calfeild, forth of the lands of Weane in August last. Clengit thereof.

Item, q<sup>r</sup> Thomas Cowtart in Bektonne, is accusit for ye steiling of nine scheip at several times pertaining to Andro Jonstoune of Kirktonne forth of ye scheip house in Kirtoune, betwixt Martimas and Yull last,

ane of yem upon upon New Yeir-Day, twa upon the 14th day of Februar last, and three of them upon Sunday cum eight days yairefter. Clengit thereof.

Item, q<sup>r</sup> Law Foster and James Dattoune in Greinay, ar accusit for ye thiftuous steiling of eight scheip pertaining to Jokkas Watsoune and Rowie Armstrang in Howdail, furth of ye lands of Greinay, about Yule last or yairby. Clengit thereof.

Item, q<sup>r</sup> Michell Birny in Fairnyleis, is accusit for the thiftuous steiling of threttie scheip pertaining to Walter Scott of Todrig, Walter Scott his son, Syme Nicoll in Fairnylies, Will Nicoll his sone, about Michaelmas last, or thairby, furth of ye lands of Fairnyleis. Fyllit thairof.

Item, q<sup>r</sup> Pett Murray in Swinsyd, is accusit for the steiling of seven scheip forth of the Comoune of Selkirk, pertaining to the tenants of Phillophauch; and for the steiling of three scheip, ane pertaining to William Curror in Phillophauch, ane other pertaining to George Turnor there, and the thrid to

; and for ye steiling of five scheip, pertaining to William Murray in Phillophauche, forth of ye Comone of Selkirk, and for ye steilling of ane wedder pertaining to Sir Johne Murray of Phillophauche, Knicht. Fyllit of the hail.

Item, q<sup>r</sup> Adame Douglas in Swinsyd, is accusit for steiling of ane yow pertaining to Andro Douglas in Swinsyd, furth of the lands thairof, in the end of March last. Fyllit thereof be cuming in will.

Item, q<sup>r</sup> Hob Foster, callit Foulscheillis, and Abie Foster in Greinay, ar accusit for steiling of seven scheip perteing to Gilbert Elliott of Stobbis, out of Kershoip in England, about Midsummer last, or yrby. Clengit yairof.

Item, q<sup>r</sup> David Baittie, callit ye Smith, is accusit for ye steiling of ane gray meir furt of ye lands of Warrickbrigis in Inland, perteing to Thomas Warrack there, upon the Rude day at ewin last. Clengit yrof.

Item, q<sup>r</sup> he is accusit for ye steiling of five nolt furt of ye lands of Barngleis, perteing to Thome Armstrang, callit Jokis Thome, in ye month of June 1617 yeirs. Fyllit thereof.

Item, q<sup>r</sup> Geordie Jonstoune in Essinsyde, and Will Elliott, son to Thome Elliot of Bonjedburgh, is accusit for ye steiling of ane gray basonet meir of four yeir auld, perteing to Walter Scott, furth of ye lands of Burnfute upon ye Water of Aill, about our Ladie Day last. Fyllit yairof.

*(Sic Subscribitur).* WALTER RIDDELL.

The said day, Syme Jonstoune in Foulscheills, enterit James Grahame in Moffett Water, and protestit to be frie of his act of caution ; quhilk was grantit.

The said day, Adame Hall in Newbigging, enterit Adame Hall, callit of ye Bus, upon pannell, and protestit to be frie of his act of cawtion ; quhilk was grantit.



The said day, Alex<sup>r</sup>. Kirtoune, proveist of Jedburgh, enterit Thome Donaldsonne in Hardenheid upon pannel; qrupon he askit instrumentis, and protestit he nicht be frie of his act of caution.

The said day, Johne Nicoll in Craikhoip, enterit Williame Elliot in Huntlaw, and protestit he nicht be frie of his act of caution; qrupon he askit instrumentis.

The said day, Lyell Turnbull in Hartshaughe, enterit Adie Turnbull in Hartshauche Mill upon pannell, and protestit he nicht be frie of his act of caution; quhilk was grantit.

The said day, James Irwyng of Cleughheids, and Johne Galloway, bailze of Annane, actit yaimselffis, conjunctlie and severallie, as cau<sup>rs</sup> for Thome Carruy<sup>rs</sup>, callit of Wormandie, that he sal compeir ye nixt Justice Court yt sall be haldin be his Majesties said Commissioners, and underly his hienes laws for anye-thing that is to be laid to his charge, under ye pane of 500 merks.

The said day, Syme Johnstoune in Fowlscheillis, enterit James Grahame, his man, upon pannell, and protestit that he nicht be fred of his act of caution, quhilk was grantit; qlk James Grahame was dismiss till ane new citatioune.

The said day, the persons under named being callit upon, enterit upone pannell at efternoone.

Thome Donaldsonne in Hardenheid.  
Henry Loury in Ouer Blaklaw.

Adie Hall in Bus.

Willie Lawrie in Ouer Qubattoune.

Will Elliott in Huntlaw.

Andro Johnestoune in Achinslurg.

Mairtene Byris in Ekklefechen.

Adie Carrutheris in Cannabie.

Will Grahame in Orchard.

Will Maweris in Barngleis.

Will Ainslie in Wouplaw.

Johne Johnstoune called Paittes Johne.

Adie Turnbull in Hartsheuchmylne.

#### PERSOUNES OF INQUEIST.

Syme Elliott in Thoirleishoip.

Johne Haliburtonne of Mertoune.

Robert Johnstone of Wamphra.

Johne M'Caall of Glenpine.

Wm. Middelmest of Lillisliechappell.

David Pringill of Hetoune.

Wm. Riddell of Standhal.

David Davidsoune in Samestoune.

Wm. Johnestonne of Lockerbie.

Thomas Turnbull of Know.

Richart Rutherfurde of Littillhuche.

Andro Johnsone in Catlynes.

Robert Johnstoune of Thorniquhat.

Walter Riddell of Wodhous.

Johne Haliburtone in Murrayslaw.

The hail above named persounes of inqueist being  
ressavit, sworne, and admittit, judicialle electit and  
choisit ye said Johne Haliburtone of Mertoune, chan-  
cellar.

Item, q<sup>r</sup> Willie Laurie in Ouer Quhattoune, is accusit for ye steiling of five sheip perteing to ye Laird of Riddell, his men in Quhattoune, furth of ye lands thairof, in January last. Clengit thereof.

Item, q<sup>r</sup> Andro Jonstoune in Auchinslurg, is accusit for ye thiftuous steilling, &c. of twa yowis perteing to James Johnstone of Underwod, furth of ye lands yrof, about St Androis Day last; and of ane pair of worsettis perteing to Jon Johnstoune in Fouldures, his wife, furth thereof; and of ane pair of scheittis perteing to Andro Johnstoune in Kirktonne, furth of ye lands thairof, December last. Clengit of ye haill.

Item q<sup>r</sup> Johne Johnstoune, callit Pettis Johne, is indytit for ye steiling of saxteen scheip at several tymes, perteing to James Atchesounne in Greinknow, furth of ye lands yrof, about Yule last. Clengit thairof.

Item, q<sup>r</sup> Mairtene Byres in Ekkilfechein, is accusit for ye steiling of thrie yowis perteing to George Fergisounne in Clinthill, furth of ye lands thairof, about New Yeir Day last, or yairby. Clengit thairof.

Item q<sup>r</sup> Wm. Elliott, sometime in Horslaw, is accusit for ye steiling of twa oxin, the ane blak, and the uther brandit, furth of ye lands of Monielawis, perteing to Richart Selbie, upon ye 12 of November last, being Sonnday. Clengit yrof.

Item, q<sup>r</sup> Wm. Ainslie in Wouplaw, is accusit for ye steiling of twelve scheip perteing to Thomas Rutherfurde of Toftis, furth yrof, about Martimas last, or yr-

by ; and for ye steiling of ten scheip pertaining to Jon Olipher in Lethem, and Syme Robsoune there, furth yrof. Clengit of baith.

Item, q<sup>r</sup> Willie Bell in Gimabie, is accusit for steiling of four scheip furth of ye lands of Sark, pertaining to Francie Chalmer ; and for ye steiling of six scheip pertaining to Nikkie Baittie, in ye month of last. Clengit thairof.

Item, q<sup>r</sup> Abie Carruthers and Will Grahame in Orquhart, is accusit for ye steiling of xxvij scheip, furth of ye lands of Windiehill, pertaining to Wm. Grahame there, at sundrie tymes since Junii last. Clengis them baith.

Item, q<sup>r</sup> Wm. Maweris in Barngleis, is accusit for ye steiling of sindrie scheip, to be takin at Michaelmas last ; and for ye resetting of Alex. Maweris, his brother. Clengit of baith.

Item, q<sup>r</sup> Thomas Donaldsoune in Hardenheid, is accusit for steiling of ten pair of scheittis, sax bousteris, ten coddis and codwares, twa fedder beddis, four coveringis, twa light coveringis, with two challender coveringis, ane buird claith, two powder plaittis, four spynnell of linning yarne, and certaine corne pertaining to Johne Sprott in Oxname towne, four yeiris syne or thairby, furth of ye lands thairof. Clengit thairof.

Item, q<sup>r</sup> Adame Turnbull, miller in Hartshauchmylne, is accusit for ye thiftuous steiling of thrie ky, twa of yem blak, and ane blak brandit, furth of ye lands of Leisburne, pertaining to Gilbert Elliot of

Stobbis, about Michaelmes last, or yrby. Clengit thairof.

Item, q<sup>r</sup> Adie, callit of ye Bus, in Newbigging, is accusit for ye thifteous steiling of ane kow pertaining to Williame Ker, callit of Ancrum, furth of ye lands of Spithoip in England, about Whitsunday last, or thairby. Fyllit yairof.

(*Sic Subr.*) MERTOUNE.

The said day, Johne Bell in Armygle, enterit Cristie Irwing, callit of Robgill, upon pannell, and protestit he nicht be frie of his act of caution, quhilk was grantit; quha thereafter was dymist till ane new citatioune.

The said day, Wm. Bell in Armygill, enterit Ritchie Rae upon pannell, and protestit he nicht be frie of his act of caution, qlk was grantit; quha thereafter was dymissit till ane new citatioune.

The said day, Irwing of Kirkconnell, enterit David Byres and Geordie Bell upoune pannell, and protestit he nicht be frie of his act of caution, quhilk was grantit; quhilks persounes thereafter were dymist till ane new citatioune.

The said day, Andro Jonstoune of Kirktonne, enterit Geordie Johnstoune, callit of ye Scha, upon pannell, and protestit he nicht be frie of his act of caution; quha thereafter was dymist till a new citatioune.

The said day, Jon Jardane of Cleugheids, enterit Sandie Elliott of Wattlipis, and Wm. Grame, miller at

Dryff Mill, and protestit he nicht be frie of his act of caution ; quha thereafter was dismissit.

The said day, Will Armstrong, callit Rakkes in Liddesdail, Wm. Bell, and David Irwing, Jok Ewart, Andro Young in Langtoun, Adie Marjoriebankis, Cristie Grame of Bordlands, Will Bell in Homeheid, Wm. Makbrome in Goutcottis, Andro Ker in Bromellis, Johne Johnstoun, callit with the Jak, Fergie Bell, callit the Craw, Francie Bell, brother to Jon Bell of Castelbank, Adie Currie in Thornick, Daniell Curry in Sandbed, James Merteine in Dyk, Thomas and Williame Rogers in Park, Willie Achisoun in Braefield, enterit all upon pannell, being callit upon for relief of yair cautioners ; quhilks persounes being thair-after dismissit till they wer anew arrestit ; quhere-upon they askit instrumentis.

The said day, Johne Rutherford and James Hendersoun, burgesses of Jedburgh, enterit Thome and Hob Cowtortis in Wolhauch, in Tyneheid, upoun pannell ; quhereupon they askit instrumentis for relief of thair cautionery, whilk was grantit ; quha thairefter was dismissit till ane new citation.

The said day, Archibald Maxwell of Kowhill, enterit Alexander Jaksoun in Haliewod upon pannell, and protestit he nicht be frie of his act of caution, quhilk was grantit ; quha thereafter was dismissit till he was anew arrestit againe ; qrupon he askit instruments.

The said day, Will Cowane in Craik, enterit Hob Cowane, his brother, upon pannell ; quha was thereafter put to libertie, and he freid of his cautionary.

The said day, Adame Commone enterit James Commone upon pannell; quha thereafter was put to libertie till he was anew arrestit.

The said day, Patoune Bell enterit Francie Young upon pannell; quha thairefter was put to libertie till he was anew arrestit againe.

The said day, James Millikine of Blakmyre, enterit Fergie Millikine in Dunscoire upon pannell, and protestit he micht be frie of his act of caution, quhilk was grantit; quhilk Fergie Millikene thairefter was dismissit till he wes anew arrestit againe; quhereupon they askit instrumentis.

The said day, Jon Johnstoune in Beatoock enterit Wattie Jonstoune in Greenhoill: Williame Armstrang, called Bauld, enterit William Wigholme in Porterburne: Will Quhyt in Muslie enterit Hob Wigholme in Braidhauch: Andro Rutherfurde enterit John Rutherfurde: George Grame in Orchart enterit Abie Carrutheris in Wodis, and Will Grahame, his awin son: Wattie Bell enterit Jon Bell, chapman: Hob Taitt in Cessfurdmaines enterit Will Taitt, yair: Johne Baittie in Auchinbedrig enterit Will Maweris in Barngleis: Andro Allane in Heidschaw, and Johne Turnbrell in Newtoun, enterit Mungo Scot in Castellsyde: Hew Johnestoune, appeirand of Newtoun, enterit Andro Davidsoune in Moffet; and Robert Rutherfurde of Edyerstoune enterit William Ainslie, called Waipley, upon pannell, and protestit that they, and ilk one of them, might be frie of his act of cautionary, qlk was grantit. Quhilkis persounes were thereafter dismissit and put to libertie be his Ma'ties said Commissioners till

they were anew arreistit agane ; quhereupon they, and ilk ane of yem, askit instrumentis, *pro rata*.

The said day, Johne Ewart in Bodisbeck actit himself as cautioner and sourtie for Walter Johnstoune, callit of Wyndholme, that he sall not trouble nor molest Mr David Roger, minister at Tundergairth, nor Elizabeth Hardie, spouse of umquhill David Dalrimple, notar in Brockschaw, they nor nane of them, utherwayes nor be ordour of law and justice, under the paine of 500 merks for ilk ane of yem ; Likeas, ye said Walter Jonstoune of Wynhome, and Ritchart Storie, servitor to James Johnstoune of yat ilk, actit thameselffis, conjunctlie and severallie, to releiff the said Johne Ewart of Bodisbeck of ye premissis.

The said day, Willie Bell, callit Redcloak, actit himself as cautioner and sourtie for Robeine Bell, and Jok Bell in Carrutheris, that they, and ilk ane of them, sall compeir personallie befor his Majesties saids Commissioners the nixt Justice Court to be haldin be them, and underly his Highness lawis for all yat is to be laid to thair charge, under ye paine of ane thousand merkis.

*Decimo nono Aprilis 1623.*

*Sederunt Domini Commissionarij ut in die precedenti.*

The said day, the persounes under namit being lawfullie summonit and arreistit to have compeirit personallie befor his Majesties saids Commissioners yis present Court haldin at Jedbrugh, they are to say :— David Grame, called of the Ley ; Robert Jonstoune in Myreheid ; Bessie Jonstoune his mother ; Adame



Baittie in Dockanflatt ; Francie Jonstoune in Tundergaith ; Hob Croser, son to Andro Croser in Toftholme ; Hob Elliott, called Laidd, in Quhythauch ; David Storie in Ouerraw ; Andro Croser, called Jeans Andro, in Greinis ; Robert Routledge in Thoirleishoip ; Hob Harknes in Dod ; Thomas Rutherford in Toftis ; Archibald Scott in Craig ; Andro Armstrang, Lairhoip ; Adame Baittie in Fingell, called M'Crurie ; Niniane Armstrang in Nershill ; Robert Vrie at the Langholme ; Thomas Croser in Hilhous ; Johne Thomsoune in Bellholme ; Ingrie Grame in Bruntscheilboig ; Jamie Grame, their ; Thome Grame in Wodheid ; Andro Irwing in Hag ; Hob Cowane in Dounngtounne ; Archie Elliot in Burnclughsyde ; Johne Bell in Townheid, in Carrutheris ; Gawin Douglas in Underschank ; and they, and ilk ane of them, being daylie callit upon during ye haille space of ye said Court, and last upone ye said nyntene day of Apryll, being ye fyft and last day of ye said Court, To have underlyne his Majesties lawis for certain crymes of thift, resset of thift, and uthers crimes containit in yair particular dittayes, with certification, that they and ilk ane of them, sall be declairit fugitives and outlaws fra his hienes lawis, and denuncit his Majesties rebellis, and all yair mouabill gudis and geir sould be escheitt and inbrocht to his hienes use, And becaus the foresaid persounes, nor nane of yem, compeirit in maner foresaid ; Thairfoir, they and ilk ane of yem, were declarit publictlie, thrie severall tymis, outlawis and fugitives fra his hienes lawis, and they and ilk ane of them sould be denuncit rebellis, and put to his hienes horne, and all thair movabill gudis and geir wer ordainit be his Majesty's saids Commissioners to be escheit and inbrocht to his hienes use, for yair disobedience, as was pronouncit in judg-

ment be ye mouth of Johne Jenkisoune, dempstar of ye said Court.

The said day, the persounes under namit being lawfullie summonit to have compeirit personallie befor his Majesties saids Commissionars this present Court, to have past upone the generall assyse, they are to say :— Robert Johnstoune of Newtoun; Gawin Johnstoune of Annanholme; George Glendonning of Mochurme; James Cannane in Barnley; George Tait of Pirne; Johne Lowis of Maner; Johne Burnet of Barnes; William Vaitch of Dayick; Raynell Bennet of Chesteris; Adame Scott, called Wester Adame, smith in Hawick; and they and ilk ane of them being daylye callit upon during ye haill space of ye said Court, and last upon the 18th day of Appryll, being ye last assyse of ye said Court, To have compeiritt upon ye generall assyse, as said is, ilk ane of yem, under ye panne of 100 merks, conforme to an act maid be his Majesties saids Commissionars, And because they nor nane of yem compeirit in maner foresaid; Thairfoir, they and ilk ane of yem were judgitt and decernit to mak payment to his Majesties Thesaurer within this kingdome of Scotland, or to Robert Pringell of Baittingbus, his deput for uplifting of ye fynes and casualties of ye said Court; and ordaine and request ye Lords of Council and Session to direct letters of horning at ye instance of ye said Robert Pringill, for uplifting of ye said sum of 100 merks, against ilk ane of the forenamit persounes, as pleases them to direct; Quhereupon ye said Robert Pringill askit instruments and actis of Court.

The said day, in presence of his Majesties saids Commissioners, being sittand in judgment, Johne Hall,

callit the Cheiff, in Newbigging, Lencie Hall there, Thome Carruthers in Murthum, Hob Nixsoun, called Scabbit, Thome Haliday in Molem, Abie Armstrang in Grieneis, Rowie Foster our the Moss, Syme Elliott, called Guyde, Allie Armstrang in Syde, Wm. Wilsone that come from Carleill, Robert Rutherfurde, son to Toftis, John Mitchelsone in Catcleugh, Wattie Bell, called Oswall's Wattie, George Thomsone in Bowholme, Michell Birney in Fairnyleis, Paitt Murray in Swinsyde, David Baittie, callit the smith, George Johnstoune in Essinsyde, Will Elliott, son to Thome of Fawsyde, being fund guyltie and foull, be the persounes of assyse foresaid, of certain crymes of thift, ressett of thift, and utheris contenit in yair particular dittayes, wer, be ye saids Commissioners, decernit and condemnit, they, and ilk ane of them, to be takin to ye place of execution, and there to be hangitt be ye heid ay quhill they wer deid, and all thair lands, honours, dignities, offices, guds and geir to be escheit and inbrocht to his hienes use, as was pronuncit in judgement be ye mouth of ye said Johne Junkisoun, dempstar of ye said Court.\*

The said day, in presence of his Majesties saids Commissioners, being sitting in judgment, Andro Craik in Dinwiddie, James Johnstoune in Rammerhill, Johne Armstrang, called Catgill, Robert Lytill in Craighous, Andro Armstrang, Quhythauche, Archie Cowtart in Quheillrig, Adame Robsonne in Auld Jedburgh, Adame Douglas in Swinsyde, Adame Hall in Bus, being fund gyltie and foull by ye persounes of

\* There is no reason to doubt that they were conveyed straightway from the place of judgment to the scaffold. Yet the numerous acquittals sufficiently evince the humanity of the Judges.

assyse aforesaid of certaine crymes of thift, resett of thift, and uthers containit in yr particular dittayes, wer, be ye said Commissioners, decernit and condemnit, they, and ilk ane of yem, to be brunt on ye cheik with ye comone birning irne of ye burghe of Jedburgh, as was pronuncit in judgment be ye mouth of ye said Johnne Junkieson, dempstar of ye said Court.

The said day, Geordie Johnstoune in Greitheid, Johnne Johnstoune in Baittock, Jok Jonstoune, callit Mertenis, Thomas, Jok, and James Johnstoune in Stalsbiging, actit yemselffis, conjunctlie and severallie, for Francie and Alexander Johnstounes, brether, callit of Kirkhill, that they sall remove themselffis aff yis kingdome of Scotland to ye Law Cuntries, qr Sir Johnne Murray of Philloiphauch, Knicht, sall direct them betwixt and ye feist and term of Whitsunday nixt to cum; and that they sall behave themselffis dewtifullie and honestlie, without onie offence to onie of his hienes leiges during ye said space, without his Majesties licence, or the Lords of Secret Council, or Commissioners, under ye paine of 300 merks for ilk ane of yem: Likeas, ye saidis Francie and Alexander Johnstounes actit themselffis voluntarlie, and of yair own frie will, to remove themselffis betwixt and ye said day; and giff ever they wer found within this kingdome fra ye said term of Whitsunday without licence, actit themselffis to be hangit without onie farder censure of law.

The said day, Hobbie and Abie Fosteris, callit of Fouscheillis, and Geordie Armstrang, Wodhousesleyes, actit themselffis, voluntarlie and of yair awin frie will, siklyk to remove themselffis to ye Law Cuntries betwixt and Witsunday nixt, qr the said Sir Johnne Murray of

Philloiphauch sall direct them, and never to return againe, under ye payne of deid, of yair awin consent, except they bring ane testimoniall fra the captaine.

The said day, Johne Elliott that came out of Carleill, and Edward Irwing, sone to Lang Will of Hoddame, actit themselfis judiciallie, and of yair awin consent, to depairt presentlie fra yis kingdome of Scotland, and never to retorne thairin, without licence of his Majesties Lords of his Secret Council, or Commissioneris, under ye pain of deid, without farder law.





## APPENDIX.





## APPENDIX.

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### I.

#### GAVIN DOUGLAS.\*

THE most illustrious individual connected with Hawick in ancient times was probably Gavin Douglas, afterwards Bishop of Dunkeld. He was the third son of Archibald, sixth Earl of Angus, better known as Bell-the-Cat, by his wife Elizabeth, daughter of Robert, Lord Boyd, sometime High Chamberlain of Scotland, and was born about 1474. Having entered into holy orders, he was appointed Rector of Hawick; in 1509, was nominated Provost of the collegiate church of St Giles, in Edinburgh; and finally, in 1515, on the death of George Brown, Bishop of Dunkeld, he was promoted to that episcopate. The political rivalries, and factious opposition, to this and previous preferments, which embittered his existence, and ultimately compelled him to leave his native county, and seek protection from Henry VIII. it is here unnecessary to detail, the rather that they have been succinctly and accurately set forth in the portion appropriated to Douglas by Dr Irving, in his valuable "Lives of the Scottish Poets." In 1522, when probably in his forty-

\* These Biographical Sketches of Gavin Douglas and Douglas of Drumlanrig, have been contributed by an esteemed friend of the Editor.

eight year, he fell a victim to the plague in London, and was interred in the Savoy Church there, on the left of Thomas Halsay, Bishop of Leighlin. According to Hume, the historian of his family, Douglas "had a base daughter, of whom the house of Foulewood (Semple) is descended (ii. p. 28, 4th edit.)."

Albeit, as indicated above, the incidents in his life occupy a prominent place in the page of history; it is on his talents as a poet and translator that the fame of Gavin Douglas rests. None of his works are known to have been printed in his lifetime. The "Palace of Honour," first issued from the press of William Copland in London, in 1553; and at Edinburgh, from that of John Ross, for Henry Charters, in 1579; both in quarto. From a passage in the advertisement of the Edinburgh publisher, it is probable that there had been previous impressions in the Scottish metropolis; but none of these have been discovered. It has been reprinted by Pinkerton, in the first volume of his "Scottish Poems;" among the "Select Works of Gawin Douglass," Perth, 1787; and more recently, with a very accurate collation, by Mr John Gardiner Kinnear, as his contribution to the Bannatyne Club, in 1827.

"King Hart," the least commonly quoted of his poems, a singularly constructed allegory, was first printed by Pinkerton in his "Antient Scottish Poems," from the Maitland MS. This some have affected to consider a juvenile performance.

But his translation of "The Threttene Bukes of Eneados," is the *magnum opus* with which the Bishop's name is most commonly familiarized. It was first printed in London, in quarto, in 1553. In 1710, a folio edition was published at Edinburgh, by Frebairn and Symson; and to this a valuable glossary by Tho-

mas Ruddiman, and a careful life of the author by the Rev. John Sage were appended. The Virgil has been reprinted, and presented to the members of the Bannatyne Club, by Mr Rutherford, the present Lord Advocate, and Mr George Dundas, now Sheriff of Selkirkshire, under the editorial charge of the latter gentleman, 2 vols. 4to, 1839 ; but the third volume, intended to contain a Life, Glossary, and Introduction, has not yet appeared.

From a passage at the end of the "Twelt Buke" of the "Eneados," it seems that Douglas had also translated, in his youth, Ovid, de Remedio Amoris. Of this no copy in type or MS. is known to exist. Bale and Dempster assert that he likewise composed comedies ; but the statements of these writers are too often imaginary.

Dr Irving observes, that " Douglas' spirited translation of the *Æneid* has often been highly commended, though seldom beyond its merits." It certainly presents us with "the pure well of *Scottish* undefiled ;" and he who should desire to become conversant with our early national vernacular, can have recourse to no worthier text-book than that of the "Virgilian strain," as Dyer terms it, of the Bishop of Dunkeld.

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## II.

### DOUGLAS OF DRUMLANRIG.

HUME of Godscroft, in the preface to his well-known "History of the House and Race of Douglas and

Angus," sums up in these words the evidence which he advances in support of the honour of the name of Douglas :—"There is," says he, "no subject's race in this country that can match them in those of which we have spoken, antiquity, nobility, greatness, and valour or worth ; in these, I say, jointly : That is, there is none so ancient and withal so noble, great, and valorous. No name is, or ever was in this country, of which there can be reckoned so many and so worthy ; for so stands our comparison." In the more enduring page of Shakspeare equal justice has been done to their merits—

"The Douglas and the Hotspur both together,  
Are confident against the world in arms."

*King Henry IV. Part I.*

Seldom has eulogy been based upon a more secure foundation.

Of the numerous branches from the original stem of this illustrious family, the House of Drumlanrig occupies a proud position in history ; and the burghers of Hawick may reasonably exult that the charter which secures to them their incorporated privileges, is derived from a source so honourably renowned.

As is already recorded in these Annals, this charter was granted by James Douglas in 1537. He was the seventh feudal lord of his house, and succeeded his father William, who fell on the disastrous field of Flodden, as did his great progenitor on that of Otterburn. His loyalty was early manifested by his co-operation with Scott of Bransholm in endeavouring to relieve the king from the thralldom in which he was held by Angus. Thus far back existed that goodly fellowship, which is now consolidated by the union of both families in the ducal house of Buccleuch and Queensberry.

Sir James Douglas was knighted by the Regent Chatelherault, and in 1553 received the appointment of guardian of the West Marches, with relative power of full justiciary : the duties of this office he long continued to discharge with vigour and sagacity. He died in 1578.

His great-grandson, Sir WILLIAM, was created Viscount of Drumlanrig, Lord Douglas of Hawick and Tibberis, by James I., in 1628, and was advanced to the earldom of Queensberry by Charles I., in 1633, when his Majesty visited Scotland. He died in 1640.

JAMES, his son, the second earl, suffered severely for his adhesion to the latter sovereign. Having set out to join the standard of Montrose, he was intercepted and made prisoner : the parliament, in 1645, amerced him in 120,000 merks Scots, and by Cromwell's act of grace and pardon in 1654, a further penalty of £4000 sterling was imposed upon him. Upon his death, in 1671, his eldest son,

WILLIAM, succeeded. He was appointed Justice-General of Scotland in 1680, and, in the following year, extraordinary Lord of Session. In 1682, he was raised to the marquissate, constituted High Treasurer (resigning thereon the office of Justice-General), and, in September of that year, appointed Constable and Governor of the Castle of Edinburgh. Two years thereafter, the highest dignity of Duke was conferred upon him. During the latter period of the reign of Charles II., his Grace exercised the greatest power in Scotland ; and on the accession of James VII., was confirmed in all his offices, and appointed High Commissioner, to represent the monarch in his first parliament at Edinburgh, in 1685. In the following year, when the treasury was put in commission, he was made

President of the Council ; but, shortly thereafter, refusing to concur in his Majesty's wish for abrogation of the penal laws against Catholics, he was deprived of all his public employments. He then retired to the country, and built the mansion of Drumlanrig. Concurring in the Revolution, he was a second time appointed an extraordinary Lord of Session, in 1693, and closed his mortal career at Edinburgh, in 1695. He was interred in the family mausoleum at Durrisdeer.

A melancholy incident is connected with this great man's domestic life. Two years before his death, he lost his third son, Lord George. He appears to have been a youth of much promise, and his surviving father presented his books to the Library of the Faculty of Advocates at Edinburgh. There, in a dark corner, they stand in their own original presses, surmounted by the donor's mournful inscription ; and few there are among the present proprietors who seem to be cognisant of the fact, and still fewer those who consult the once-cherished volumes of young Lord George Douglas.

JAMES, eldest son of the first, and in his own person, second Duke of Queensberry, is identified in the page of history with that consummate statesman whose tact and energy carried out the Union of Scotland with England. His private virtues were as eminent as his public services : he died in 1711, and was succeeded by his third, then elder surviving son,

CHARLES, who, inheriting all the amiable qualities of his father, and dear to literature from his patronage and support of the poet Gay, died at the advanced age of eighty, in 1778. Having had the misfortune to survive his two sons, he was succeeded in his title and estates by

WILLIAM, fourth and last Duke of Queensberry.

This nobleman, famous or infamous, as people may consider it, by the familiar soubriquet of "Old Q.," was a person of eccentric renown. In his younger years, as Earl of March, he exhibited in the Lower House of Parliament the hereditary talents of his family, and might, with ordinary restraint on his passions, have become eminent in affairs of the state, as he subsequently became notorious in matters of a very different description. Possessing an enormous fortune, he surrendered himself to indulgence in every luxury, and became the votary of fashion, in all its monstrous varieties. He was mighty on the turf, and his name will descend to posterity celebrated in the pages of the Racing Calendar. For those who wish to anatomize the individual, a reference to Mr Jesse's amusing and gossiping anecdotes of "George Selwyn and his Contemporaries," for much connected with his personal history may suffice. In these pleasant volumes, there is what we believe to be a very faithful likeness of his Grace. He left, besides his extensive estates, personal property amounting to nearly a million sterling; of which Lord Yarmouth, afterwards the notorious Marquis of Hertford, became residuary legatee. The landed wealth passed to a series of different lines, and gave occasion to a protracted and fertile litigation—commonly known by the name of the Queensberry cases—at the instance of those numerous inheritors, and others, whose rights and interests he had injudiciously infringed. His dukedom and other of his titles, along with the barony of Drumlanrig, and many fine estates, descended, by virtue of patent and entail, to Henry, Duke of Buccleuch, heir of line to the Queensberry family, and grandfather of the present noble representative of both dukedoms.

## III.

## OBSERVATIONS ON THE CHARTER of 1537.

If tradition may be relied on, this was the original Grant of the Corporation Lands, and was bestowed as a reward to the inhabitants for their distinguished services at Flodden. On this point, it may be remarked, that the terms of the Charter shew that, as to the particulate grantees, that deed was merely a renewal of investitures formerly granted. There is not, however, any such reference to former writings annexed to the description of the *Common*, the boundaries of which are specially set forth, as if it were an original grant. It may indeed be thought that the long interval between the battle of Flodden, in 1513, and of the Charter, rather tends to impeach the verity of the tradition. On the other hand, it may be maintained, that the grant might actually have been promised much earlier, and yet the execution of the deed have been deferred; besides, as the granter survived till 1578, he may be supposed to have been a minor for several years after 1513. As corroborative of the tradition, reference may be made to the neighbouring burgh of Selkirk, the citizens of which also distinguished themselves at Flodden. Their first charter extant, granted by King James V., on 4th March 1535, also at a long interval after the battle, makes no mention of Flodden, the narrative clause being, in part, in the same terms with that of Hawick, granted two years afterwards. In another charter to that burgh, dated September 1536, Selkirk is said "sen (since) the field of Floddone to have been continually oppressit, herit," &c. Here, too, it is not stated in express words, any more than in the Hawick



Charter, that it was granted as a reward for heroism, or even that the burgesses took part in the engagement. It is impossible, however, not to acquiesce in the remark of Sir Walter Scott, that "it seems reasonable to infer, that so many marks of Royal favour (there had been other charters), granted within so short time of each other, evince the gratitude as well as the compassion of the monarch; and were intended to reward the valour, as well as to relieve the distress, of the men of Selkirk. Thus every circumstance of the written evidence, as far as it goes, tallies with the oral tradition of the inhabitants," that the grant of an extensive portion of the Forest of Ettrick was bestowed in acknowledgment of their services at Flodden. These remarks have a direct application to the case of Hawick. Like the King, James Douglas had lost his father, besides two hundred of his kindred or clan, on that disastrous day; and this circumstance, coupled with the almost total extermination of the men of Hawick, the vassals of, and no doubt led to the field by his father, may, independently of the temptation to emulate the example set by his Sovereign, be supposed not to have been without its influence in leading him to solace, in some substantial form, the few surviving inhabitants.

Although, however, the tradition seems to be well founded, it is very probable that the inhabitants nevertheless enjoyed a servitude of pasturage over the Common anterior to 1513. Thus, the *Tenandas* clause of the Charter expressly grants and *confirms* to them the privilege of "common pasturage, and free entry and regress," as a known and existing appendage of their several particulates, which last were certainly acquired previous to its date. It may thus be safely assumed that the inhabitants did, previously, possess the privi-

lege, although, as having no specific title thereto (and certainly none after the destruction of their writings in the manner pointed out in the charter), and at a period when the vassals' right was much weaker than in our times, to a certain extent precarious; but that after the grant, and the erection of the burgh into a corporation, the servitude was converted into a right of property, and the Charter became the measure of the right.

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#### IV.

CHARTER of CONFIRMATION by MARY QUEEN OF SCOTS, under the Great Seal, in favour of the Town of Hawick, dated 12th May, 1545; hitherto unpublished. From a modern translation in the Chartulary of the Burgh.

MARY, by the grace of God, Queen of Scots; To all honest men of her whole land, clergy and laity, greeting: Know ye, that We, with the advice, authority, and consent of our dearest cousin and tutor, James Earl of Arran, Lord Hamilton, protector and governor of our kingdom, and of the Lords of our Privy Council, have fully understood a certain charter of gift, by our command seen, read, inspected, and carefully examined, whole, entire, neither erased nor cancelled, nor suspected in any part thereof, made by our beloved James Douglas of Drumlanrig, and baron of the barony of Hawick, in the county of Roxburgh, to the persons underwritten, tenants of his town and burgh of Hawick foresaid, their heirs and assignees respectively, as is under specified, with their pertinents, of all and whole his lands after following, to-wit:—To Robert Scott of How-

paslott, of six particates of land ; to Robert Scott of Alanhauch, of three particates ; David Rutlethe, eight particates ; Thomas Brown, three particates ; the Chaplain of the Altar of the blessed Virgin Mary, within the Parish Church of Hawick, two particates ; Sir James Young, one particate ; Walter Turnbull, one particate ; Robert Chalmer, one particate ; Symoun Chepman, one particate ; John Scott, two particates ; Robert Schort, two particates ; William Scott, half a particate ; Richard Fair, a half particate ; William Scott, the son of William Scott, eleven particates ; John Wauch, two particates ; John Howburne, one particate ; William Douglas, three particates ; Stephen Scott, John Schort, and Janet Liddirdaile, one particate equally between them ; Janet Liddirdaile, two particates ; Hawis Liddirdaile, one particate ; Sir Thomas Fawlaw, two particates ; Thomas Liddirdaile, two particates ; Janet Gladstains, one particate and a half ; Nichol Liddirdaile, half a particate ; John Cessfurde, one particate ; Andrew Young, two particates ; John Scott, two particates and a half ; Thomas Scott, three particates ; Thomas Burne, one particate and a half ; Sir John Scott, four particates ; Thomas Connell, one particate ; Mr John Hepburne, two particates ; John Plendirgaist, half a particate ; James Blair, half a particate ; William Paslay, the fourth part of a particate ; George Young, the fourth part of a particate ; James Cessfurde, the fourth part of a particate ; Adam Cessfurde, half a particate ; John Young, the fourth part of a particate ; William Cessfurde, the fourth part of a particate ; and to Matthew Henderson, two particates, with their pertinents, lying on the south side of the Public Street of the said James Douglas' town and burgh of Hawick foresaid ; and also to the said James Blair, of one par-

ticate; to the foresaid Chaplain of the Altar above written, one particate; Bessie Weile, one particate; William Aliesoun, one particate; Adam Binkis, one particate; William Story, one particate; Janet Cessfurde, two particates; to the said William Scott, three particates; John Morlo, three particates; Alexander Paslay, one particate; John Angus, half a particate; Stephen Scott, half a particate; John Rowcastill, one particate; John Cessfurde, two particates; John Wauch, one particate; Leonard Quhyt, one particate; Symoun Martene, two particates; Adam Patersoun, two particates and a half; Margaret Liddirdaile, one particate and a half; Philip Liddirdaile, two particates; William Mortoun, one particate; James Storie, one particate; William Stewart, one particate; John Fairnielaw, two particates; Andrew Liddelraill, five particates; Janet Liddelraile, one particate; Archibald Scott, two particates; John Deins, two particates; John Cessfurde, one particate; to James Wilsoun, one particate; William Fowlaw, one particate, with their pertinents, lying on the north side of the public street of the said James Douglas' town and burgh of Hawick foresaid, between the lands commonly called the Bourtreis on the east, and the Common Vennel at Myreslawgreen on the west, on the one and other parts, according to the limits and bounds as is more fully contained in the evidents and infestments formerly made and executed; and with the Common in the Common Hauch and Common Muir of Hawick, lying between Burnfurde on the east, the Troutlawfurde on the west, and the syke of Wyntoun Moss on the south, and the ditches of Goldbankis and Fynnyk on the north parts; reserving to the said James Douglas, his heirs and assignees, the lands lying in his said

town, on the south side of the public street thereof, between the lands of John Scott on the east, and the lands of Robert Schort on the west parts, on the one and other parts. To be held of the foresaid James Douglas, and his heirs, in fee and heritage, and free burgage in barony, as at first, for one penny of the usual money of the kingdom of Scotland, to them and their assignees, by the said James Blair, his heirs and assignees, upon the ground of his half particate foresaid, at the feast of Penthecost, in name of blench-farm, if it is asked only; also the said Thomas Connell, Mr James Hepburne, John Plendergaist, William Paslay, George Young, James Cessfurde, Adam Cessfurde, John Young, and William Cessfurde, their heirs and assignees, paying to the foresaid James Blair, his heirs and assignees, the annualrents formerly due and accustomed to them, according to the tenor of the evidents made before thereupon to them, by the foresaid James; and also, the other persons above written, their heirs, successors, and assignees, paying annually to the said James Douglas, his heirs and assignees, for every particate of the said lands granted by him to them respectively, five pennies money foresaid, at two usual terms in the year, Whitsunday, and Martinmas in winter, by equal portions upon the ground of the foresaid lands, in name of annualrent, or burgh-farm: Which charter is

Narrative under this form:—To all who shall see or  
Clause. hear this Charter, JAMES DOUGLAS of Drumlanrig, Baron\* of the barony of Hawick, lying within the sheriffdom of Roxburgh, everlasting health in the

\* *Baron*—"In this realme (says Skene) he is called an Barroune quha holds his lands immediately in chief of the King, and has power of pitt and gallows"—that is, to hang or drown criminals.

Lord : Because it plainly appears, and is known to me, from my old evidents, that my town of Hawick, lying within my said barony of Hawick, and in the sheriffdom of Roxburgh above mentioned, from of old created, continued to subsist a free burgh of barony ;\* and because the charters and evidents of the tenants and inhabitants of the said town and burgh, through the inroads of the English and thieves in bypast times of enmity and war, have been lost and destroyed, from whence, that no prejudice may arise to the said tenants, but in respect I am willing rather to help and relieve them : Know ye therefore, That

**Dispositive Clause.** I have given, granted, and by this my present Charter confirmed ; likeas I give, grant, and by this my present Charter, confirm to the persons under written, tenants of my said town and burgh of barony, all and sundry my lands following, viz., To Robert Scott of Howpaslot, six particats † of land ; Robert Scott of Allanhaugh, three particats ; David Routlach, eight particats ; Thomas Brown, three particats ; the Chaplain of the Altar of the blessed Virgin Mary,

\* *Free Burgh of Barony.*—The published Records do not shew when the burgh was originally erected, although on this, like some other matters, the Drumlanrig archives would certainly throw light. The assertion of the superior, however, that it stood created from of old, may be taken as sufficient evidence that it had been erected anterior to the Deed of 1537. Hawick is one of the very few burghs which, having been independent of the Superior prior to the Jurisdiction Act, 20th Geo. II., cap. 43 (1748), had its rights reserved ; and it is therefore, generally, on the same footing with Royal Burghs,—parliamentary representation excepted.

† *Particate.*—The particate (says Chalmers) was a temporary denomination of small parcels of land near towns in the south-eastern shires of North Britain. “ Gaufrid the son of Waldeve of Liliescleue (Lilliesleaf), granted to the Monastery of Melrose thirteen acres and half a particate of arable land in Wilton.”—*Chartulary of Melrose*, 20 ; *Caledonia*, vol. i. p. 810.

within the parish church of Hawick, two particats; Mr James Young, one particat; Walter Turnbull, one particat; Robert Chalmer, one particat; Simeon Chapman, one particat; John Scott, two particats; Robert Short, two particats; William Scott, half a particat; Richard Fair, half a particat; William Scott, the son of William Scott, eleven particats; John Wauch, two particats; John Howburn, one particat; William Douglas, three particats; Stephen Scott, John Short, and Janet Lidderdaill, one particat equally amongst them; Janet Lidderdaill, two particats; Hally Lidderdale, one particat; Mr Thomas Fawlaw, two particats; Thomas Lidderdale, two particats; Janet Gladstains, one particat, with the half of another particat; Nicol Lidderdale, half a particat; John Cessfurd, one particat; Andrew Young, two particats; John Scott, two particats and a half; Thomas Scott, three particats; Thomas Burn, one particat and an half; Sir John Scott, four particats; Thomas Connell, one particat; Mr John Hepburn, two particats; John Plendergaist, half a particat; James Blair, half a particat; William Paisley, the fourth part of a particat; George Young, the fourth part of one particat; James Cessfurd, the fourth part of one particat; Adam Cessfurd, half a particat; John Young, the fourth part of one particat; William Cessfurd, the fourth part of one particat; and Matthew Henderson, two particats, with their pertinents, lying upon the south side of the public street of my said town and burgh: As also, to the said James Blair, one particat; to the foresaid Chaplain of the above written altar, one particat; Bessy Wyllie, one particat; William Alison, one particat; Adam Binks, one particat; William Story, one particat; Janet Cessfurd, two particats;

Mr William Scott, three partcats; John Morlo, three partcats; Alexander Paisley, one partcat; John Angus, half a partcat; Stephen Scott, half a partcat; John Rucastle, one partcat; John Cessfurd, two partcats; John Waugh, one partcat; Leonard Quhyt, one partcat; Simeon Martin, two partcats; Adam Patterson, two partcats and an half; Margaret Lidderdale, one partcat and an half; Philip Lidderdale, two partcats; William Mortoun, one partcat; James Story, one partcat; William Stewart, one partcat; John Fairnlaw, two partcats; Andrew Lidderdale, five partcats; Janet Lidderdale, one partcat; Archibald Scott, two partcats; John Deans, two partcats; John Cessfurde, one partcat; James Wilson, one partcat; and to William Fawlaw, one partcat; with their pertinents, lying upon the north side of the public street of my said town and burgh of Hawick, betwixt the lands commonly called the Bourtreis upon the east, and the Common Vennel at the Myreslawgreen upon the west parts, from one and other parts, according to the bounds and marches thereof,\* as they are at more

\* It has been remarked, that this procedure of confirming each separate particate right, was anomalous in a deed of this description erecting or re-erecting the burgh. It was probably adopted to save the expense of separate deeds in favour of each particate-man, but the other clauses of the deed, conferring power on the magistrates to receive resignations of tenements, and grant new infestments thereof, render it plain that the superior did not contemplate the necessity of any future grants by him of a similar description.

The boundaries of the burgh having been long well understood, in consequence of local burdens, and the terms of the titles to subjects within burgh, disputes on that point are of rare occurrence.

A tree still remains at the extremity of the town, called the "Bourtree Bush," which indicates the eastern precincts of the burgh as pointed out in the charter; there were similar trees at the western and southern extremities, but these have not been in existence within living memory.



length contained in the rights and sasines\* formerly made and granted to them thereupon; together with the Common in the Common Haugh† and Common Muir‡ of Hawick, lying betwixt the Burnfoord upon the east, Troutlawfoord upon the west, and the syke of Wintoun Moss upon the south, and the dykes of Goldielands and Fynnyk Exception. upon the north parts, from one another; Excepting to me, my heirs, and assignees, the lands lying in my foresaid town, upon the south side of the public way thereof, betwixt the lands of John Scott upon the east, and of Robert Short upon the west parts, from Tenendas. one another: To be held, and kept all and sundry, my foresaid lands, excepting as are above excepted, by the persons above written, their heirs and assignees respectively as aforesaid, with the pertinents thereof, of me, and my heirs, in feu and heritagage, and free burgage in barony as formerly, Feu and Free Burgage. for ever, by all their just marches, old and divided, as they lie in length and in breadth, with houses, buildings, yards, beams, timber, common pasturage, and free entry and outgate; together with all and sundry other liberties, commodities, profits, easements, and just pertinents of the same whatsoever, as well not named as named, as well below as above ground, far and near, belonging, or that shall rightly belong to, the

\* No sasine has been discovered of a date anterior to the Charter, although it is possible that some are extant. The town having been so frequently burnt, sufficiently accounts for the rarity of ancient records and titles.

† *The Common Haugh*.—A portion of this Haugh, on the north side of the Teviot, comprehending 7<sup>4</sup>/<sub>1000</sub> acres, was, in 1847, sold to the North British Railway Company, for £3305.

‡ *Common Muir*.—See the Annals under dates 1537, 1769, and 1777, &c.; and Appendix, No. 15.

foresaid lands and pertinents in time coming, any manner of way, and that freely, quietly, fully, completely, honourably, well, and in peace, without any impediment, revocation, contradiction, or obstacle whatsoever : Giving *Reddendo.* and paying out of the same yearly the said James Blair, his heirs and assignees, to me, my heirs and assignees, one penny usual money of the kingdom of Scotland, upon the ground of his half particate above mentioned, at the feast of Whitsunday, in name of blench-Popish. farm, if demanded ; as also finding and maintaining one lamp or pot of burning oil \* before the great altar of the parish church of Hawick, in time of high mass and evening prayers, on all holydays throughout the year, in honour of our blessed Lord and Saviour Jesus Christ, for the souls of the Barons of Hawick, founders of the said lamp, and their successors ; and *Subaltern.* likewise the foresaid Thomas Connel, Mr John Hepburn, John Plendergaist, William Paisley, George Young, James Cessfurd, Adam Cessfurd, John

\* *Lamp of burning oil.*—After the Reformation, such stipulations were held to be superstitious, and so not obligatory. This lamp, with the flag taken from the English in 1514, and the torturing H brand, are all now gone. It is remarkable, that amidst all the confusion resulting from hostile invasion and conflagrations, the Charters of 1537 and 1545 were preserved entire. The loss of the latter of these documents, however, might have been compensated by an extract from the Register. But what register can supply the place of the interesting trophy gained in 1514 from the English, which would have formed so fitting a companion to the pennon taken by Douglas from Percy, still preserved in Cavers House.

There still remain the *dead bell*, of date 1601, and the Union Flag of 1707. The halberds now in use are modern, but are exact copies of the ancient weapons taken along with the flag from the English. The originals have been seen by persons still living. The halberd is not among the weapons enumerated by Gawyn Douglas, thus : " Nouthir spere, badge, staf, pol-ax, sword, nor mace."—*Prologue to 11th Book of Æneid.* The pol-ax probably meant the same thing.

Young, and William Cessfurd, their heirs and assignees, paying to the said James Blair, his heirs and assignees, the annual duties formerly accustomed and due by them to the aforesaid James Blair, and his heirs and assignees, conform to the tenor of the rights made and granted by him formerly to them thereupon; as also the rest of the persons above written, their heirs, successors, and assignees, paying to me, my heirs, and assignees, for each partcat of the foresaid lands granted by me to them respectively, five pennies money foresaid,\* at the two ordinary terms of the year, viz., the feasts of Whitsunday, and Martinmas in winter, by equal portions, upon the ground of the said lands, in Service. name of annual duty or burgage-ferm; likewise performing to me, my heirs and assignees, such services as other inhabitants and tenants of free burghs of barony within the kingdom of Scotland perform to their lords and superiors; with power to the Power to create Bailies. foresaid persons, their heirs and assignees, burgesses of the said burgh at this present time, and in all times to come, of creating and ordaining yearly bailies and officers necessary therein, for the government of that burgh; † provided always,

\* *Five Pennies Scots*.—There exists a tradition, that in early times the particate men were accustomed to proceed yearly to Drumlanrig to render payment of the feu-duties, until the Baron probably finding these vassals troublesome, long ago relieved them from all future payments.

† See the Annals, under date 1781, and Appendix, No. XVII. An excellent measure was brought before Parliament, in 1837, by Sir A. L. Hay, M.P., with the view of altering the practice of nomination and self-election in burghs of regality and barony, but it was stopped, and has never again been agitated. Hawick feels the grievance less than those burghs which are dependent on the superior, and must accept of any bailie whom he pleases to place over them. It is this last class, comprehending Dalkeith, Kelso, Gala-shiels, &c., which ought to move for a change of system.

that it shall not be lawful for the said persons, their heirs or assignees, to ordain, create or institute bailies, or other officers in the foresaid burgh, but such only as reside and shall reside within the same :

**Powers, Resignation, and Sasine.** Further, for me, my heirs, and assignees, I hereby give and grant to the present bailies

of the said burgh, and to their successors in office for the time being, my full and all manner of power and mandate, special and general, for receiving resignations of the lands above written, and giving and granting sasines of the same, according as shall be agreed upon and conceived betwixt parties ; \* likewise all resignations of the said lands, or any part of them that have been made, in the hands of the bailies of the said burgh, and sasines thereof granted by them to others thereupon in any time bypast, I approve of and ratify, and for me, my heirs, and assignees, hereby confirm for **Warrandies.** ever : And I, the foresaid James Douglas of Drumlanrig, for me, my heirs and assignees, truly warrant, acquit, and defend all and sundry my lands above written, excepting what are above excepted, to the persons above mentioned respectively, their heirs and assignees, in all respects, and by all forms, to the effect as above expressed, against all deadly for ever.

**Testing Clause.** In testimony whereof, my seal, together with my manual subscription, is hereto appended :  
At Edinburgh, the 11th day of October 1537 years ;

\* *Giving Sasines, &c.*—This invaluable privilege, which is enjoyed by very few burghs of barony or regality, has hitherto been invariably claimed and exercised by the burgh proprietors. They are thus enabled to complete their titles without the superior's intervention. The late statutes for simplifying the forms of titles have not withdrawn the privilege. On the contrary, one of them, the Infestment Act, 8th and 9th Victoria, c. 35, sanctions and provides for its continuance.

before these witnesses, Archibald Douglas of Kowschoqill, William Scott, John Douglas, Mr John Chapman, Sir John Scott, vicar of Hawick, John Maitland of Auchingasschell, John Maitland and Patrick Maitland, with diverse others. (Signed) JAMES DOUGLASS of Drumlanrik, with my hand.—Which charter, containing a gift therein in all its points and articles, conditions, and modes and circumstances whatsoever, in all, and by all, in form and to the effect above said, We, with the advice and consent of our dearest cousin and tutor foresaid, approve, ratify, and for us and our successors for ever confirm ; Reserving to us and our successors the rights and services of the said lands of the town and burgh in barony foresaid, with their pertinents, due and accustomed before this our present confirmation : Moreover, we, with advice foresaid, for the good, faithful, and gratuitous service performed to us, by the said persons, inhabitants and indwellers of the foresaid town and burgh of Hawick, and for divers others good causes and considerations us moving, Will and Grant, and for us and our successors for ever, decern and ordain, that this our present confirmation shall be of as great power, strength, force, and effect, to them, their heirs, and assignees, as if the same had been given, granted, and made by us and our predecessors, to the said persons, their heirs, and assignees, in better form, before the taking of sasine by them respectively of the foresaid particates and lands, with their pertinents, notwithstanding sasines are on the contrary taken by them thereof, before this our present confirmation : In testimony whereof, to this our present charter of confirmation, we have commanded our Great Seal to be affixed. Witnesses—our beloved cousin David, Cardinal of St Andrews, &c. our Chancellor ;

the Most Reverend and Reverend Fathers in Christ, Gavin, Archbishop of Glasgow, &c., Andrew, Bishop of Whithorn, of our Chapel Royal at Stirling; our beloved cousins George, Earl of Rothes, Lord Lesly, Malcolm, Lord Flemyng, our Great Chamberlain; the Venerable Father in Christ, John, Abbot of our Monastery of Paisley, our Treasurer; our beloved familiar friends, Mr James Foulis of Colintoun, Clerk of our Rolls, Register, and Council, and Thomas Bellenden of Auchnoule, our Justice-Clerk: At Edinburgh,\* the 12th day of the month of May, in the year of God 1545, and of our reign the third year.

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V.

INSTRUMENT OF SASINE in favour of JAMES  
SCOTT *alias* BAILZIE, dated 8th March 1558.

IN DEI NOMINE AMEN: Per hoc presens publicum Instrumentum, cunctis pateat evidenter quod anno incarnationis Dominice millesimo quingentesimo quinquagesimo octavo die vero Martii octavo, Indictione decima quinta pontificatusque sanctissimi in Christo patris et Domini Pauli divina providentia Pape quarti anno

\* *Signed at Edinburgh.*—It has been asserted that the charter was granted by Queen Mary, when passing through the town on her way to Hermitage Castle, which is an evident mistake, as her Majesty was in 1545 only three years of age. There is a tradition, however, that her Majesty took the way of Hawick when travelling, at a subsequent period, from Jedburgh to Hermitage Castle, to visit Bothwell. This is probable; for, although not the direct route, the Queen would thus, as Sir Walter Scott remarks, pass through districts where the clans were in her interests. The spot named the Queen's Mire, on the borders of Liddisdale and Teviotdale, which the royal party passed through, is still pointed out.

tertio,\* in mei Notarii Publici et testium subscriptorum presentia, personaliter comparuit, The quhilk day, comperit ane honest young man, Alexander Scot, sone and aer to Stevin Scot, upon ane tenement of land of his in Hawick, lyand betwixt the land of James Brown on the north part, ye hill path on the south part, Doniere Portussis on ye east part, and ye Common Vennel on ye west part : And thar he resignit ye said tenement of land, fra hym and his aeris, with the pertinents, in the hands of Adam Cessfurde, ane of ye bailzies of Hawick, in favouris of James Scott alias Bailzie, the quhilk Adam Cessfurde, bailzie, through the vertew and strenth of his office, and at the requeist of ye said Alexander, resignar of ye samyn, he gave heritable possession, state and sasying, corporale, actuale, and reall, of all and hale the said tenement, with the pertinents as said is, be erd and stane, to the said James Scot and his aeris euerlestandly, safand every manis rychtis. This was done upon the said tenement, at ix hours before noon or thereby, the said yeir, month, day, hour, and place that said is, Indiction and Pape before specifyt. Upon all and sundry the said James Scot desyrit ane instrument fra me, notar-public under written, before yir witnessses, John Scot Bailzie, Robert Denis, surgeoun, George Scott, James Morlaw, and Robert Nilhag.

(Signed) PAT<sup>r</sup>. COZAN.

Et ego Patrick Cozan, clericus Glasguensis dioceseos, auctoritate publica notarius publicus,  
Quia premissis omnibus et singulis, dum sic ut premittitur, dicerentur, agerentur, et fierent una cum prenominatis testibus personaliter interfui,

\* It is curious that the name of the Pope should be given, while that of the reigning Scottish monarch is withheld.

eaque omnia et singula premissa sic fieri, vidi, scivi, et audiui, ac in notam cepi Ideo hoc presens publicum instrumentum, meo proprio manu fideliter scriptum, exinde confeci et subscripsi signoque nomine et cognomine meis solitis consuetis signavi in fidem omnium et singulorum premissorum rogatus et requisitus.

PATRICIUS COZAN.

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## VI.

### THE REV. WILLIAM FOWLER.

FROM the few facts which have been preserved regarding this individual, it appears that he was born about the year 1560, and was a student at St Andrews between 1573 and 1574. Sir William Drummond of Hawthornden, son of Drummond the celebrated poet, and a near relative of Mr Fowler, relates that he was a great maker of anagrams, and Secretary to Queen Anne, King James Sixth's Queen. Mr Fowler accompanied the King's household to England, and died about the year 1612.

The Remains of Mr Fowler consist of sonnets, poems, anagrams, unfinished verses, and scrolls of official letters, in French, Latin, and Italian, with fragments of various works intended for the press. "The Triumphes of Petrarche," presented by Drummond the poet to the College of Edinburgh, in 1626, and "The Prince of Nicholas Machiauelli," were translated by him from the



Italian, but these have never been published. The rest are fragments of projected works. Enough remains to shew that he must have been one of the most accomplished men of his age. Queen Anne has been censured for her love of shows and expensive amusements, by which the King was kept in continual embarrassment. It however tends to mitigate our resentment towards the Royal Lady, to find her patronage bestowed on such an accomplished person as Mr Fowler. How agreeable it must have been to Her Majesty often to exchange the society of the Royal pedant to whom she had the misfortune to be united in marriage, for that of the elegant scholar and poet, her secretary. Several of Mr Fowler's sonnets have been printed, of which the following is a specimen :—

## SONET IN ORKNEY.

Vpon the utmost corners of the warld,  
 And on the borderis of this massive round,  
 Quhaire fates and fortune hither hes me harld,  
 I doe deplore my grieffs upon this ground ;  
 And seing roring seis from rokis rebound,  
 By ebbs and streams of contraire routing tyds,  
 And Phoebus' chariot in their waivs ly dround ;  
 Quha equallye now night and day devyds,  
 I call to mynd the storms my thoughts abyds,  
 Which ever wax and never dois decreass,  
 For nights of dole, dayes, joyes ay ever hyds,  
 And in there vayle doith all my will suppress.  
 So this I see, quhair ever I remove,  
 I change bot seis, bot cannot change my love.

[See Transactions of the Society of Antiquaries of Scotland, vol. iv., and Lodge's Illustrations of British History, 4to, vol. iii.]

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Since the preceding brief sketch was written, an esteemed friend has communicated the following note, which is far too interesting to be omitted :—" Mr Fowler was uncle to the poet Drummond, his sister Anne having married Sir John Drummond. He followed the Queen to England, and in a list of the officers of her Council, dated in October 1603, is described as ' Secretarie, and Master of the Requests.'—(Lodge's Illustration of British History, vol. iii. p. 209.) He is denominated Parson of Hawick in 1587, and the Records of the Presbytery, 2d September 1612, mention him as then dead. In 1627, Drummond presented two MS. vols. of his Poems to the Library of Edinburgh University, where they still remain. One of these, in 4to, entitled "The Tarantula of Love," consists of sonnets after the manner of Petrarche; the other, in folio, is a translation of that poet's "Triumphs." It is dedicated to Jean Fleming, Lady Thirlstane, wife of the Chancellor Maitland, and is dated from Edinburgh, 17th December 1587. He prefixed a panegyric sonnet to 'The Furies,' composed by James VI., who returned the compliment for his 'Triumphs of Petrarche.' This is quoted in the preliminary observations to the specimens of Fowler's pen by Dr Leyden, in his 'Scotish Descriptive Poems,' Edinburgh, 1803. Some letters from Fowler to the Earl and Countess of Shrewsbury, occur in volume iii. of Lodge's Illustrations, as also a couple of sonnets. These latter, Lodge, who most unjustifiably calls their author a 'ridiculous person,' inserts, because, to use his words,—'his verses, wretched as they are, perhaps deserve a place here as specimens of the Court poetry at that time.'"—*Ibid.* p. 18. 8vo. Edition.

VII.

ACT in favour of WILLIAM LORD DRUMLANRIG, for two Yeirlie Faïres at the Toun of Hawick, 1669.

THE Kings Majestie and Estates of Parliament having heard a supplication presented unto them, in name of William Lord Drumlanrig, for himself, and in name of the inhabitants of the burgh of barronie and regality of Hawick, mentioning that the said town and village of Hawick, being conveniently situate neir to the English border, wherethrow diverse persons doe repair thither for buying and selling of bestiall, victuall, and other commodities propper to be bought and sold there, the petitioner and the inhabitants of the said burgh, and all others his Majesties lieges resorting thither, are exceedingly prejudged throw the want of the libertie of two other frie faïres yeirlie, within the saïds bounds, besides the faïres which they presently have, and are in possession of, be virtue of the petitioners' infestments, the addition of which two faïres yeirlie, will exceedingly contribute to the advantage of his Majesties liedges, and to the encouragement of trade and policie; and seeing no person or incorporation can pretend to be prejudged thereby, humbly therefor desiring two frie faïres yeirlie to be added, besides the faïres they formerlie possess, to be kept within the said burgh of barrony and regaltie of Hawick, as the supplication at length bears: Which, with the report of the Lords of the Articles made thereanent, being taken into consideration, the Kings Majestie, with advice and consent of his Estates of Parliament, doe hereby give and grant to the said William Lord Drumlanrig, his airs

and successors, and inhabitants of the said burgh of baronie and regalitie of Hawick, two other frie fairs yeirlie, to be kept and holden thereat, besides the fairs which they are presently in possession of; the one thereof to be kept and holden yearlie, upon the sext day of May, and the other upon the tent day of September yeirlie, in all time coming, for buying and selling of horse, nolt, sheip, fish, flesh, meill, malt, and all sort of grain, cloth, lining and woollen, and all maner of merchant wair; With power to the said Lord Drumlanrig and his foresaids, or such as they shall appoint, to collect, intromet with, and uplift the tolls, customs, and dewties of the said two yeirlie fairs, siclyk and in the same manner as they doe in their other fairs; and to enjoy all other privileges, liberties, freedoms, and immunities, siclyk and als freele in all respects as any other in the lyk case has done, or may doe, in tyme coming.—*Acts of the Parliaments of Scotland, edited by Thomas Thomson, Esq., vol. vii. p. 661.*

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### VIII.

RATIFICATION by the SCOTTISH PARLIAMENT in favour of ANNA, DUCHESS OF BUCCLEUCH, of the Lands and Barony of Hawick, &c., 1686.

OUR Sovereigne Lord, with advice and consent of the estates of Parliament, has ratified and approven, and hereby ratifies and approves, the Charter and gift made and granted be His Majesty under the great seal of this antient kingdom of Scotland, to and in favour of Anna, Duchess of Buccleuch, of the date at Whytehall,

the sixteenth day of Apryll last by past, whereby our said Sovereigne Lord, for the onerous causes therein specified, with consent of his Commissioners of Thesaury and Exchequer, gave, granted, and disposed to the said Anna, Duchess of Buccleuch, her aires and assignees whatsoever, heritably and irredeemably, all and hail the lands and barony of Hawick, comprehending the lands and others underwritten, viz. the tower, fortalice, mannor-place of Hawick East Maynes, extending to nineteen husband lands, and three-fourth parts of ane husband land; West Maynes, extending to eight husband lands, with houses, biggings, yards, orchyards, mosses, muires, meadows, woods, fishings, coalls, coall-heughs, annexis, connexis, dependencies, tenents, tennendries, service of free tenents, pairts, pendicles, and pertinents of the samen whatsoever; all and heal the Milne of Hawick, with the milne lands, multures, sucken, knaveship, and pertinents of the samen whatsoever; all and hail the town and burgh of barony of Hawick, and customes thereof, with the faires, markets, and other liberties, privileges, and immunities belonging thereto; all and hail the lands of Mureshaugh, Kirktown Maynes, lands of Chisholme and Mirrienies, Whythope, Drydon, Canonside, the lands of Harwoodhill and Emmetsheels, sometyne called Lant and Emmetsheels, and the lands of Lares and Lareshope, with the Comonty of Hawick, and Common Muir of the samen, and with the heall toures, houses, biggings, yards, orchyards, mosses, muires, meadows, woods, fishings, coalls, coall-heughs, tenents, tenendries, services of free tenents, and pertinents whatsoever, lyand within the sheriffdome of Roxburgh, together with all other lands, pairts, pendicles, and pertinents of the said lands and barrony of Hawick,

lying within the parochen of Hawick and Kirkcoun, and sheriffdome of Roxburgh foresaid; and all and hail the lands of Windsland, commonly called Wester Winds, sometyme posseset be Robert Grieve in Commonsyde, lying in the middle of the saids lands of Dryden, Easter Winds, Comonsyde, Neather Croft, and Hoghill, all occupied by the said Robert Grieve; and siklike all and heall the lands of Quhalmes, sometyme occupied by Robert Langlands in Todshawhaughs, with the heall houses, biggings, and pertinents of the said lands, lying within the parochen of Hawick and sheriffdome of Roxburghe, together with the free privilege of ane free barrony and regality, with the privilege also of free chappell and chancellor within the bounds of the said lands of Windslands and Whalomes, with the pertinents thereof; whilk land, barrony, and others pertained to umquhil James, late Duke of Buccleuch and Monmouth, and to the said Anna, Duchess of Buccleuch and Monmouth, his spouse, and longest liver of them two, and their aires, mentioned in the infeftments thereof, and the fee of the samen after the decease of the said Anna, Duchess of Buccleuch and Monmouth, is now fallen in his Majesty's hands, and at his highness gift and disposition, by reason of sentence of foirfaulture given and pronounced against the said umquhil James, late Duke of Buccleuch and Monmouth, befor the Lords of his Majestie's Justiciarie, of the date the            day of            Im. vjc.            years, for the crymes of treason and leasemajesty, acted and committit be him, together with all right and tytyle whatsoever, which our said Souveraigne Lord, and his aires and successors, had, has, or anyways may have, ask, claim, or pretend to the lands, barrony, and others foresaid, or to any part thereof, or to the mealls,

ferms, kaynes, customes, casualties, profits, and duties of the samen, of all years and termes bygon or heirafter to come, be reason of the said decreet and sentence of foirfaulture, or any other maner of way whatsoever; and farder, our said Soueraigne Lord, be his said charter and gift, with consent foresaid, did separate and dissolve the lands, barronies, and others above written, from all earldoms, lordships, barronies, regalities, or others to which they were formerly annexed, and of new united, created, erected, and incorporated the samen in ane heall and free barony and regality of Hawick, with ane dispensation therein for taking sasine at the manner-place of Hawick, whilk is thereby declared to be sufficient for the heall in manner therein mentioned; To be holden all and heall the lands, barronies, and others above written, of our said Sougeraigne Lord, and his highness' successors, immediat lawful superiors thereof, for the yearly payement of the blench-duty of ane arrow, at the time, and in manner therein mentioned; and, moreover, our said Sovereigne Lord, by the foresaid charter and gift, with consent foresaid, gave, granted, assigned and disposed to the said Anna, Duchess of Buccleuch and Monmouth, all and sundrie lands, als weel heritable as moveable, infestments of annualrents, wadsets, appriseings, adjudications, backbands, and other obleidgements and securities granted in favor of the said deceast James, late Duke of Buccleuch and Monmouth, with all bygones, rests of rents, feu-duties, casualties, debts, sumes of money, annualrents, goods, gear, moveable and immoveable, and other estate whatsoever, als weel real as personal, which might anyways have been competent to the said late Duke, to seek or claime as belonging to him upon any head, tytle, or pretence whatsoever, or which, by

his foirfaulture, was devolved to the crown, with all right and tytle whatsoever which his Majesty or his highness' successors had or might anyways have, claime, or pretend thereto, be virtue of the said decreet or sentence of foirfaulture, or any other means ; as the said charter and gift, containing diverse and sundry other heads, articles, and clauses at more lenth, bears : And which charter and gift, with the infestment following thereon, and all that has followed or may follow upon the samen, not only as to the said barrony of Hawick, but also as to the general gift and disposition therein mentioned of the personall and reall estate of the said James, late Duke of Buccleuch and Monmouth, with all particular gifts to be granted by the Commissioners of his Majesties Thesaury and Exchequer in manner therein mentioned, our said Souveraigne Lord, with advice and consent foresaid, hes ratified and approven, and heirby, for him and his highness' successors, ratifies and approves as said is in the heal heads, articles, and clauses thereof ; likas, our said Souveraigne Lord, with consent foresaid, declares, statutes, and ordains that the foresaid gift and charter, and this present ratification thereof, shall be valid, effectuell, and sufficient rights to the said Anna, Duchesss of Buccleuch, and her foresaids, whereby they may bruik, joyce, and possess the lands, barrony, heritable bonds, and other estate, als well real as personal, and others, particularly and generally above mentioned, contained in the said charter and gift ; lykas, our said Sovereaigne Lord, with consent forsaid, doth heirby dispense with all defects and imperfections whatsoever which may be anyways objected against the said charter and gift, or this present ratification thereof.—*Acts of the Parliaments of Scotland, edited by Thomas Thomson, Esq., vol. viii. p. 617.*



## IX.

RATIFICATION by the SCOTTISH PARLIAMENT in favour of ANNA DUCHESS OF BUCCLEUCH, of the Earldom and Lordship of Buccleuch.

This Act, dated 15th June 1693, expressly confirms all the possessions of the Duchess ; and the only clause relative to Hawick (p. 343) is the following :—

“ And of all and hail the lands and barronie of Hawick, comprehending therein the lands, mylnes, mylnelands, woods, fishings, coalls, coal heughs, burgh of barronie of Hawick, and customes thereof; with the yearlie faires, with the privilege of free barronie and regalitie, free chaple and chancellarie within the bounds of the said barronie, manor-place, houses, biggings, yairds, orchards, and others specified in the said Charter heirby ratified, all heir holden as for exprest *brevitatis causa*.”—*Acts of the Parliaments of Scotland*, edited by Thomas Thomson, Esq. vol. ix. p. 341.

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## X.

THE REV. ALEXANDER ORROK.

“ FOR profound learning, independence of character, and extensive charity (says the Rev. J. A. Wallace in his able Statistical Account of the Parish of Hawick), this man deserves to be held in grateful remembrance. Whilst holding the rank of a probationer, he signalized

himself by his stedfast adherence to Presbyterian principles, in consequence of which, he was at one time subjected to imprisonment,\* and at another interdicted from the discharge of his sacred functions. After the Revolution he became minister of this parish, and in 1701 he received a call to Kelso, which was sustained, first by the Presbytery, and afterwards by the Synod; but his translation being strongly opposed by the heritors, elders, and parishioners in general; and the matter being carried ultimately to the General Assembly, it was agreed, in compliance with Mr Orrok's desire, that his connection with this parish should not be dissolved, and accordingly he continued to labour here faithfully, and with acceptance, till the period of his death."

Of this benevolent man, Dr Charters of Wilton, in his sermon on the duty of making a testament says: "Mr Orrok made provision in his own parish for a grammar school for reading the Scriptures before public worship, and for teaching poor children to read. He is celebrated on his tomb as an orthodox divine,

\* See History of the Church of Scotland, by Crookshanks, vol. ii. p. 408, who says, "that Mr Auchmoutie and Mr Orrok were discharged from preaching any more at Dundee. The latter had once prayed that the Lord would purge the King from heart-idols, which words were misrepresented, as if Mr Orrok had said the King was an idolater."

It is remarkable that Gawyn Douglas, James Douglas, and Alexander Orrok, all persons of worth, should have suffered the indignity of imprisonment. Bailie John Hardy, and Henry Duke of Buccleuch, more recent benefactors, have been scarcely less unfortunate, the first having been charged with the acceptance of a bribe to facilitate the division of Hawick Common, and the Duke with wresting from the Burgh, by stretching unjust laws, a large portion of that property—both charges being entirely destitute of foundation.

and a rigid disciplinarian. The praise of orthodoxy and of rigid discipline is mutable and mortal; it will pass away with the tomb that records it; the meaning of orthodoxy varies with the country, and with the age, opinions about discipline also change, but the praise of charity is immutable and immortal; charity is amiable in every country, and in every age, it meets approbation in every heart, it endureth for ever."

A mural tablet was erected to his memory, bearing the following inscription :—

Siste Viator  
 Hic jacet corpus Domini Alexandri Orrok  
 Verbi Divini in Ecclesia Havico præco fidelissimus  
 Vir erat vere eximius  
 In Vitiosis reclamandis summe audax  
 Ob multifariam eruditionem et vitæ innocentiam clarus  
 Doctis piisq. viris admodum probatus  
 In disciplina ecclesiastica æqualium nemini in sua ætate secundus  
 Qui annos XXII. officio pastoralis hac in Parochia Ecclesia functus  
 In usum Scholæ publicæ novem millia  
 Et pauperum indigentium mille et sexcenti marcarum  
 Testamento designavit  
 Tandem obdormivit in Domino  
 Annum agens sexagesimum  
 Æræ Christianæ M.DCCXI. Kal. Maii  
 Ps. CXII. 9.  
 Dispersit largiens pauperibus  
 Semper ejus liberalitas stabit.

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## TRANSLATION OF THE FOREGOING INSCRIPTION.

Stop Traveller !

Here lies the body of Master Alexander Orrok,  
Of God's word in the Church of Hawick a Minister most sincere ;

He was a man truly exemplary,

In denouncing the depraved, courageous in the last degree ;

For varied learning, and unsullied character, celebrated,

Held greatly in esteem by the scholarlike and devout :

In the training of a divine, inferior to none of his contemporaries :

Who, having discharged the duties of the pastorate in this

Church for 22 years :

To the public school nine thousand merks, and to the needy

poor one thousand six hundred merks,

Appropriated in his will ;

At length he fell asleep in the Lord,

Being in his Sixtieth year,

On the first of May 1711.

Ps. cxii. 9.

He scattered—bestowing largely on the indigent :

His bountifulness shall endure for ever.

The following entry occurs in the Sederunt Book of the heritors, under date 1766 :—" The heritors allow Mr Dyce £1 to assist him in replacing Mr Orrok's tomb-stone in a proper and decent manner, as they hink it *the least thing they can do* in honour of his memory, in consideration of his having mortified £500 for the use of the grammar schoolmaster of Hawick.

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By his bond, dated 20th April 1711, and recorded in the Books of Council' and Session on 13th June 1711, Mr Orrok mortified to the parish 9000 merks, as a perpetual fund for the encouragement of a person

of parts to serve as schoolmaster in the parish of Hawick, to whom the annual rent or yearly interest thereof should be payable. The deed provides for building a school-house and dwelling-house to the said schoolmaster; and then declares, that her Grace Ann Duchess of Buccleuch, her heirs and successors, or their commissioners and factors in their absence, shall have the nomination of the said schoolmaster, whose ability and gift of teaching youth is to be tried by the minister for the time, and such other learned men as the major part of the residing heritors shall nominate and condescend upon for that effect." There then follows this clause:—"And also, it is provided, that the said schoolmaster shall be obliged to teach the poor children of the parish gratis, viz., such as the minister and heritors shall find have a genius for learning, and do sufficiently instruct their inability to pay school wages."

This mortified sum has long been invested in the British funds, and the yearly profits derived therefrom paid to the grammar school teacher.

The last nomination of trustees for the fund was in 1834, when the Chief Magistrate of Hawick, for the time being, the Rev. J. A. Wallace, then minister of the parish, James Dickson, Esq. bank agent, Hawick, and William Turnbull of Fenwick, were appointed.

By another deed, dated 21st April 1711, and recorded in the Books of Council and Session on 13th June 1711, Mr Orrok mortified 1600 merks; the yearly interest whereof should be payable "to the minister and kirk-session at Hawick, for the time, as a perpetual fund for the relief of the poor." This sum is supposed to have been in whole or in part invested in the erection of part of the late Parish Church about 1763; but the investment is at present unproductive.

Besides these donations, Mr Orrok bequeathed his valuable library to the parishioners ; which, however, seems to have been entirely neglected by his successors in the living. The very few remaining volumes were finally dispersed not quite twenty years ago.

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## XI.

## THE REV. ROBERT CUNNINGHAM.

THIS gentleman, who was a native of the town of Hawick, was parish minister of Wilton, and was thence translated to Hawick in 1712. Mr David Laing, Treasurer to the Society of Antiquaries of Scotland, has courteously examined the MS. Notes of the late Mr George Chalmers, with a view to discover any notice of Mr Cunningham, but without success.

The name of Mr Cunningham merits a place here, from the circumstance of his being the author of an Ode on his native town, of which the following imperfect copy has been preserved.

“ Upon the situatione of the Towne aud Bruche  
of Hawick, by Mr Robert Cunningham,  
Minister at Wilton, anno 1710 ; and was  
transported to be Minister in Hawick in  
anno 1712.

“ Transcrybed by Mr Walter Gladstaines,  
Town-Clarke of Hawick, upon the se-

venteen day of March ane thousand  
seven hundreth and twelve yeris.

" Cum my muse, and let us sing,—  
See thou touch the softest string;  
Rouse up thyself whilst that I,  
The place of my nativitie,  
With its pleasures do rehearse  
In soft and sweet heroicke verse.

*Ille terrarum mihi præter omnes,  
Angulus ridet.*

HORAT. CARM. II. 6.

" In the south confines of Caledonia's land,  
Famed Hawick upon ane pleasant spot doth stand,  
With fruitful orchards on every syde,  
Which \_\_\_\_\_ had in Horace had \_\_\_\_\_  
His Sabain's fields ane \_\_\_\_\_  
In midst of verdant groves which \_\_\_\_\_  
Their hortal branches, as if they jointlie strove  
To deck a place fit for the Queen of Love.  
Lo! heir a mighty Princess doth resort,  
And entertain sometymes her splendid Court,  
In a rich Palace which o'erlooks the plains,\*  
Fit to divert the pure Arcadian swains;  
And Ceres lykeways dwells, while Pan weel nigh  
Tunes up his rurall notes on mountains high,  
Which screen that ancient Brugh, and it defend  
'Gainst all the winds that Æolus can send  
From hollow caves: Loe! heir how the Nymphs play  
On Teviot's banks, which from afar does stray  
Meander-lyke, but then comes gladly downe,  
Hearkening to view the pleasure of this Town,  
Then checks his wrinkled waves, and with smooth face  
Stands and admires the beautie of this place,  
And waits from Slitricke his tribute to receive;  
Within this Brugh, and noe wher els he'll have  
The other, glad as he to join him heir,  
Through hills and plains a rapid course does stear.  
Until below at Slitrigge Bridge he stand,  
Charmed with the pleasure that's on every hand;

\* The Tower Inn, then a family residence of Anne, Duchess of Monmouth and Buccleuch, is probably meant.

Heir to be seen, and wishes heir to stay,  
 Till supervenient waves press him away  
 Through divers rocks, which force him to rebound,  
 And make a noise loud as Bellona's sound,  
 Though sweeter far ; bot then he sighs and crys,  
 Because he leaves this place,—and quickly dies.  
 But hold my muse ! with reverence I'm strucke,  
 While, as up yonder Sacred Mount I looke ;  
 On which the temple that's situat on high,  
 Stands much admired by strangers passing by ; \*  
 As doth that artful Mount, which built of old,  
 Was, by the natives here, warlike and bold,  
 Wherein they acted all their games of May, †  
 When they inclined in sports to pass the day.  
 Thus stands the Brugh, thus lies the smiling fields,  
 Which, for famed poets subject-matter yields.

\* Alluding to the Pariah Church. Yet it was certainly in ruin soon afterwards. In 1612, it seems to have had a steeple.—See the Annals, 1612.

† The Mote is evidently here meant. It is never resorted to now but at the Common Riding, when some remains of the ancient sports may be witnessed.

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Since the preceding pages were written, the following Note regarding Slitrig has been communicated.

NOTE.—“ There was formerly a chapel dedicated to St Cuthbert, that was a chapel-of-ease to the church of Cavers, situated on the banks of the River Slitrig, which falls into the Teviot at Hawick. The holywater stone, placed in the burial-ground just outside the door of this chapel, is mentioned by Reginald of Durham (p. 284), who also describes the devotions and the amusements of the people collected there on the feast of St Cuthbert, and a miracle that took place at the Church.”

There is a tradition that, on the lands of Penchrise, near the source of the Slitrig, a chapel formerly stood, which is probably that here alluded to. The adjoining farm is named *Priesthaugh*. It will no doubt be noticed in the Chartulary of the Stobs Family.



## XII.

## THE REV. WILLIAM CRAWFORD.

· In the MSS. of Mr George Chalmers, formerly referred to, the name of Mr Crawford does not occur. He was born at Kelso in 1676, and died in 1742. Mr Crawford, who was educated at the University of Edinburgh, was author of *Dying Thoughts*, reprinted at Hawick in 1814—A *Manual against Infidelity*, Edinburgh, 1734, of which a copy is preserved in the Free Church College Library—and a *Short Practical Catechism*, to be answered by the Young People in the Congregation of Wilton, Edinburgh, 1734. “In 1711, he made a most energetic opposition to the settlement of ministers by presentation instead of by popular election, in which he was supported by some of the most eminent clergymen then in the Established Church.”—(*Anderson's Popular Scottish Biography*, article CRAWFORD.) It appears from his *Dying Thoughts*, that he was of a very delicate constitution. In the Preface to the edition of that work above referred to, subscribed by Alexander Colden, John Gilchrist, and Robert Riccaltoun, Mr Crawford is represented to have been a person of great modesty, piety, and worth, “master of great and good qualities in a very uncommon degree,” and beloved by his parishioners. Dr Charters speaks of him with much respect.—See *his Sermons*, vol. i. p. 487, *Edinburgh Edition*.

## XIII.

REVEREND THOMAS SOMERVILLE, D. D.,  
F. R. S. E., &c., one of the Chaplains to his Majesty,  
and Minister of Jedburgh.

There is perhaps no class of men in this or any other country more generally distinguished for learning, intelligence, and moral worth, than the officiating clergy of the Scottish Church.

As historians, biblical critics, and moral philosophers, many of them have long held a distinguished rank in the republic of letters; while not a few have successfully laboured to enlarge the boundaries of science, and improve the mechanical and useful arts: nor have the lighter species of literature been wholly neglected by them, though the leaven of puritanical prejudice which continued even so late as the beginning of the present century to prevail amongst the great body of the Scottish Presbyterians against the stage, rendered the cultivation of the drama by their clergy extremely unpopular, and consequently rare.

Amongst the eminent characters who have, during the present and foregoing age, filled the pastoral office in Scotland, there are few whose names are more intimately connected with the history of the Church and of literature than the highly gifted and estimable subject of the present Memoir.

Thomas Somerville was born in the spring of 1741, at Hawick, a small village in Roxburghshire, situated near the confines of the Scottish border, of which parish his father was minister. By the death of the Rev. Mr Somerville, his son and two sisters were left orphans,

having lost their mother several years before. But the deprivation the youthful student sustained from the loss of parental guidance, was in a great measure compensated to him by the kindness of the Rev. Mr Cranstoun, of Ancrum, and another member of the Presbytery of Jedburgh, to which his deceased parent belonged. Of the benefits conferred on him by the guardianship of those pious divines, Dr Somerville retained during his life a lively and grateful recollection, and ever spoke of their memory with filial reverence and regard.

Having received the rudiments of his education, we believe, at the Grammar School of Hawick, young Somerville in due time became an *Alumnus* of the University of Edinburgh, which at a later period conferred on him the degree of D.D.\*

Without evincing any uncommon precocity of talent, it should seem that he passed through the preparatory studies with credit to himself, and was regularly licensed as a preacher of the Gospel in the autumn of 1762, or during the earlier portion of the succeeding year.

Returning shortly afterwards to Roxburghshire, the young probationer was received into the family of Sir Gilbert Elliott, of Minto, in the capacity of preceptor to his son, the late Lord Minto, afterwards Governor-General of India. Here, however, he did not long re-

\* "I entered a student in the University of Edinburgh in November 1756.

"By the application of some kind friends, one of the Bursaries in the gift of the Town Council of Edinburgh was obtained; and so assiduous and successful was their zeal in my behalf, that, during the course of my studies, I was presented to five bursaries, four of which I held at the same time.

"My ordination at Minto took place on the 24th April 1767.

"Translated to Jedburgh 1st July 1773."—*Dr Somerville's unpublished Memoirs.*

main ; for, in 1767, the church of Minto becoming vacant, the presentation was bestowed by Sir Gilbert Elliott on his son's tutor, who immediately left the family of his patron to assume the pastoral charge of that congregation. Dr Somerville continued to fill this office, however, only a few years ; in 1772, on the translation of Dr James Macknight to Edinburgh, the interest of his former patron was successfully exerted to procure for him the vacant and more lucrative living of Jedburgh. Hitherto the life of the future historian of William had flowed on in a clear and unruffled course ; but he was now fated to endure one of those popular storms, which try the temper and afford a touchstone to the principles of men.

The act of Anne reviving church patronage in Scotland had always been extremely unpopular amongst the great body of the Presbyterians, and given occasion to much violent discussion in their Synods and in the General Assembly ; and only a few years previously to the period of which we write, produced a schism in this very parish of Jedburgh, which laid the foundation of the *Relief Secession*, now so widely extended over Scotland.

Except, however, in the above and a few other instances of *violent settlements*, as they are termed, the right of patronage had been exercised with so much delicacy and discretion as rarely to become a cause of offence.\* In most cases the patron either consulted

\* The late excellent Earl of Kinnoul, the enlightened friend of the Kirk of Scotland and its clergy, used to say, that though he would not promote any minister of whom he entertained not a good opinion, however earnestly the people might desire it, far less would he force even a good man into a parish, against whom the majority of the parishioners had conceived invincible prejudices.—*Scotch Preacher*.

the inclinations of the majority of the congregation, or the presentee himself declined accepting the charge under circumstances in which the exercise of his pastoral functions must have been equally unpleasant to himself, and unprofitable to his flock.

Different, however, it should seem, were the opinions and feelings of Dr Somerville on this subject, for he unhesitatingly declared his acceptance of the presentation, in direct opposition to the opinion of a great majority of the congregation; and after repeated protests against his settlement on the part of the parishioners, the Presbytery sustained the legality of the nomination.

Whatever might be the cause of the reverend presentee's extreme unpopularity,—whatever objections were alleged against the orthodoxy of his creed, or his mode of public teaching,—his most strenuous opponents were compelled to admit the correctness of his moral character; and several of the most discontented having seceded to the *Relief-meeting*, tranquillity was gradually restored.

It is probable Dr Somerville had first imbibed a taste for political studies during his residence in the family of Sir Gilbert Elliott; but however this may be, soon after the commencement of the American revolutionary war, he began his literary career by the publication of a pamphlet entitled, "Candid Thoughts on American Independence."

This production, which was written in a spirit of determined hostility to the claims of the Colonists, in no long time drew forth a reply from Mr Tod, of Kirklands, called "Consolatory Thoughts on American Independence, by a Merchant," in which many of the pos-

tulates and conclusions of the reverend author were ably examined and successfully combated.

A "History of the Political Transactions, and of Parties, from the Restoration of Charles II. to the Death of King William," next appeared from the pen of Dr Somerville in 1792.

In this work the author displays great patience of research, and enlarged acquaintance with facts, and, on the whole, a commendable spirit of impartiality, except where the character of William is concerned. An ill-concealed partiality for this monarch forms a most striking feature in his political disquisitions, on all occasions he stands forth his uncompromising advocate and warm panegyrist. He vindicates him from the accusation preferred against him by Count d'Auvaux, the French Ambassador, of having, when Prince of Orange, been accessory to the invasion of Monmouth; likewise from a similar charge by Dr M'Cormick, respecting Argyle's rebellion. He defends him from the accusation of bigotry, and an undue partiality for Calvinism, alleged against him by Macpherson, and maintains that his interference in continental politics was by no means at variance with the true interests of the British empire. Though many will doubtless dissent from the accuracy of the reverend author's reasonings, and deny the validity of his conclusions, on those and other subjects, none, we think, can withhold from him the praise of being an acute and able apologist for the doubtful policy of this prince.

In 1793, this indefatigable author published a small pamphlet "On the Constitution and State of Great Britain," now out of print.

About this period Dr Somerville was nominated one of the Chaplains in Ordinary to his Majesty for Scot-

land, and also elected a Member of the Royal Society of Edinburgh.

In 1798 he published a "History of the Reign of Queen Anne," dedicated by permission to George III.; and the author being, at the time of its publication, in London,\* was introduced at St James's, and personally presented a copy of the work to his Sovereign.

The same patience of research which characterised the former productions of Dr Somerville, is exhibited in the present work. The scattered details of the various transactions of this stirring period are carefully and luminously arranged, though less new light is thrown on the different events, and more especially on the details immediately relating to the Union, than the author seems to imagine. The apology attempted to be set up for the selfish and disgraceful conduct of those who brought about this measure, is unsupported by original documents, and is besides highly objectionable, and wholly at variance with the moral feeling displayed throughout the writings of the reverend author.

\* On the day subsequent to his arrival, while in the lobby of the House of Commons, Dr S. was arrested and taken to Bow Street on a charge of felony.

Thunderstruck, and utterly incapable of accounting for the strange predicament in which he was placed, our bewildered divine could scarcely avail himself of the polite advice of the magistrate, to apprise his friends of the circumstance.

Meanwhile the late Lord Melville, then Harry Dundas, who had witnessed his seizure, entered the office, and having satisfied the magistrate of the respectability of his countryman, indulged in a hearty laugh at his expense.

A notorious and specious swindler had been, it should seem, a passenger on board the packet in which Dr S. came to London; and being seen in the company of this man on their landing, led to his arrest as an accomplice.

This anecdote the writer has often heard Dr S. relate with much pleasantry.

Dr Somerville's historical style, if not splendid, is in general correct, sometimes even elegant ;—his delineations of character are spirited ;—and on that of Lord Somers he dilates with much animation ; but however eminent the services of this nobleman, in bringing about and cementing the Revolution, his acceptance of large grants of lands must ever cast a shade of suspicion over the purity and disinterestedness of the motives by which he was actuated.

Political science having long been the favourite study of Dr Somerville, it may readily be supposed that he took a deep interest in all that concerned the French Revolution. But he was not one of those, who hailed the dawn of liberty in that enslaved and benighted land ; on the contrary, he beheld it as the harbinger of evil to the whole of civilized Europe ; while, from the dissensions to which this event gave rise in his own country, he augured the downfall of that constitution in Church and State which he had so ably vindicated in his writings, and which he regarded as the *ne plus ultra* of perfection. An alarmist on principle, he involved in one sweeping condemnation all who entertained views different from his own on this subject ; and the wild impractical theorist—the temperate and philosophical advocate for reform—were with him equally objects of reprobation.\*

So omnipotent, indeed, is the sway of prejudice over minds otherwise liberal and highly enlightened, that when foreign aggression and internal faction led to those sanguinary scenes in France, which the philanthropist so much deplored, and which finally led to the extinction of the new-born liberties of that ill-fated

\* The *Vindiciæ Gallicæ* of Sir James Mackintosh found as little favour in his eyes as the *Rights of Man*.



land, Dr Somerville pertinaciously continued to regard those evils as the necessary sequence of the principles of freedom, which they, in fact, so manifestly belied and so grossly outraged. With equal justice might he have charged to the mild and forbearing doctrines of Christianity, the persecutions and cruelties perpetrated by bigotry and intolerance in the name of a self-denying Master.

Always strict in the performance of his pastoral duties, he was now more especially zealous to enforce, both in his public discourses, and in his private intercourse with his parishioners, a reverence for the existing establishments, both in Church and in State; but, so far as the present writer knows, he took no share whatever in the political disquisitions with which the press teemed at this period of national excitation.

Whether cool and dispassionate reflection tended to correct his first hasty estimate of the political events of this period, we know not, but Dr Somerville certainly lived to behold a great and beneficial change effected in the state of society, which may in a great measure be traced to the impetus imparted to the public mind by those events which were to him, at the time they occurred, objects of such unfeigned alarm.

Even in the remote border-parish of which he so long filled the office of pastor, individuals might be pointed out, who hold an influential rank amongst their townsmen, and even exercise the duties of the magistracy, whose attention was first awakened to the interests, the trade, and the civil polity of their country, by the discussions consequent on the French revolution.

But to return,—the strictly professional writings of Dr Somerville were not numerous; “Two Sermons communicated to the Scotch Preacher,” “A Collection

of Sermons," published in 1815, and one "On the Nature and Obligation of an Oath," which appeared in the "Scottish Pulpit," at a later period, comprise, we believe, nearly the whole of his works on religious subjects.

The style of those sermons is plain, simple, and perspicuous; they breathe throughout a spirit of sincere and deepfelt piety, and forcibly inculcate the obligations and practice of morality, by arguments drawn from the sacred writings.

The same chaste simplicity of style, the same spirit of sincere piety which characterise Dr Somerville's written sermons, pervaded his discourses from the pulpit. His manner was impressive—sometimes animated; and though his voice was neither powerful nor finely modulated, these defects were in a great measure remedied by an uncommonly distinct and emphatic articulation.

Devoted through a long life to the pursuits of literature, Dr Somerville numbered amongst his friends many of the eminent scholars and divines of his native Scotland; and during his occasional visits to the British metropolis, he was introduced to several of the distinguished literati of the South.\*

Superior to the mean jealousy and petty envy which too often prevail amongst the votaries of science and learning, Dr Somerville was at all times, and on every occasion, eager to do justice to the talents and merits of his gifted contemporaries. No man could be more enthusiastically alive to the transcendant genius of Burns,

\* At the Chapter Coffee-House, a mutual acquaintance introduced him to Peter Pindar, then in the zenith of his fame; but the conversation of Dr Wolcot left, on the whole, rather an unpleasant impression on the mind of the Scotch Divine.

or more feelingly deplore the moral aberrations of that inspired bard. In the dark hour of John Logan's eventful life, he stretched towards him the supporting hand of friendship ; and shielded him, in some measure, from the attacks of bigotry and illiberality, by the weight and influence of his own pure and unimpeachable character.

A gold-headed cane, the parting gift of the grateful poet, when he bade a lasting adieu to Scotland, Dr Somerville highly prized, and always carried in his hand when walking. But though the reverend historian survived most of the valued friends of his youth and manhood, he lived to behold many of the rising generation attain under his eye to great eminence in various departments of learning and the arts ;\* and, unlike most men at his advanced age, he continued to feel a lively interest in the progressive improvements of society.

Temperate and active in his habits, one of his favourite relaxations from study was superintending the cultivation of his glebe.† He was partial to the exer-

\* The able biographer of the late Rev. John Nicol of Innerleithen, was one of those ; and while writing this hasty sketch, a wish has arisen in the mind of the author, that a Critical Review of the Life and Times of the Historian of William and Anne may at some future period appear from the pen of the liberal and enlightened pastor of Craig.

† Dr Somerville took a lively interest in the agricultural improvements, which, during the last fifty years, have so greatly enriched and embellished his native country. He furnished the *Statistical Survey of the Parish of Jedburgh* to Sir John Sinclair's collection ; and on the attempt to introduce the culture of the tobacco plant into Roxburghshire, during the American war, Dr S. was amongst the first to afford it a fair trial.

The crop he raised on his glebe far exceeded his most sanguine anticipations, and promised an ample remuneration for the risk and trouble, when an act of Parliament not only prohibited its future

cise of walking, being rather a timid rider, for which he used to account from having, when a student, received a severe contusion on the head by a fall from his horse. This accident occurred in Edinburgh opposite the residence of the Rev. Mr Bain, at that time the head of the *Relief Secession*. In his family the patient was attended for several months, with a kindness and humanity which made a deep and lasting impression on his mind. Often has the present writer heard him express the pleasure and improvement he had reaped from the enlightened conversation of his worthy host, during a long and tedious convalescence.

Dr Somerville was extremely sensitive to praise, but not the most tolerant of censure; he was a warm friend, and if the vivacity of his feelings sometimes led him to form hasty or erroneous judgments, he never obstinately shut his ears against conviction, or hesitated to acknowledge an error when convinced it was such.

Of a cheerful temper, he mingled freely in society, and partook with much zest of the innocent pleasures of life; but never, amidst the hilarity of the social hour, did he deviate from that strict propriety of conduct becoming his sacred profession. With his brethren of the Presbytery he lived in the habits of intimacy and friendship, and maintained, as far as circumstances permitted, the relations of good fellowship with the

growth, but compelled the cultivators to dispose of the standing crops to Government at the low price of 4d. per pound.

Shortly after the passing of this arbitrary act, one of those tremendous hail-showers, not unfrequent in Teviotdale, occurred; and as Dr S. viewed from his own window the tall luxuriant plants beaten down and damaged by the weight of the hailstones, he clasped his hands together, exclaiming, "Government and Nature war against us," and turned away to conceal his severe disappointment.

Dissenting pastors in the town and neighbourhood of Jedburgh, ever regarding them as fellow-labourers in the vineyard of his Divine Master, however they might differ in unessential forms and modes of worship.

But it was in his intercourse with the young that Dr Somerville's piety and goodness of heart shone forth with the brightest lustre. To them he always depicted religion under a smiling aspect, calculated to heighten all the innocent enjoyments, and to afford the only solid consolation under the inevitable evils and misfortunes of this imperfect state of existence. In his public discourses, and in his private conversation, he uniformly marked with the sternest reprobation aught that tended to sully the purity or unhinge the principles of the youthful mind.

After a few days' illness, the life of this venerable divine terminated at Jedburgh on the 16th of May 1830, in the ninetieth year of his age, and the sixty-fourth of his ministry. He retained complete possession of his faculties to the last ; and on the foregoing Sunday, preached and administered the sacrament to his congregation with his usual pious earnestness. As he had been, in a peculiar manner, the child of the Presbytery of Jedburgh, so at his death he might be emphatically termed not only *its father*, but *the father of the Scottish Church*, having survived, we believe, all his contemporaries of the ministry at the period of his ordination.

Soon after his settlement at Minto, Dr Somerville married the daughter of Mr Charters, who held, we believe, some office in the Board of Excise, by whom he had a family of three sons and four daughters. This union was dissolved several years ago by the death of Mrs Somerville. His eldest son William, began his

career in life like his father, as a private tutor in the family of the late Lord Minto; but on the present inheritor of that title being sent to Eton, he turned his attention to the study of medicine. After serving some time in the Medical Staff of the army on different foreign stations, Dr William Somerville returned to Britain, and, in addition to his half-pay, had sufficient interest to obtain the appointment of Physician to Chelsea College. His second son Samuel, was cut off by a lingering disease in the prime of life; the youngest son died in early infancy. His three eldest daughters have been long settled in life; whether the youngest is married or single we know not.

Though Dr Somerville's life was extended to almost a patriarchal length, one of his sisters still survives.

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The preceding memoir has been extracted from the Annual Biography and Obituary for 1831. It is only necessary to add to this interesting narrative, that Dr William Somerville, son of the historian, who lately retired from Chelsea Hospital, is the husband of Mrs Mary Somerville, daughter of the late Sir William Fairfax, authoress of the *Connexion of the Physical Sciences*, and other philosophical works,—a lady who does infinite honour to her sex.

Dr Somerville is believed to have composed memoirs of his own times, not yet published, but which, it is to be hoped, will one day see the light.

## XIV.

## REMARKS on the TENURE of the BURGH OF HAWICK.

It has been an occasional subject of controversy, whether Hawick was to be considered as a Burgh Royal rather than a Burgh of Barony. The doubt probably originated in the peculiar terms of the charter of Queen Mary, which declares, that the deed of 1537, which it confirms, should be of as great power, strength, force, and effect, as if it had been granted "by us and our predecessors to the said persons, their heirs and assignees, in better form." Construing this, as if it had been equivalent to a charter of erection by the Crown, the Magistrates in early times certainly exercised jurisdiction in matters privative to royal burghs. But there is no recent instance of this. In two modern cases before the Supreme Court from this burgh, one in 1829, relating to the exclusive privilege claimed by the town-clerk, of passing burgage infeftments, and the other in 1837, regarding a claim by the Justices of the Peace to the use of the town-hall, prison, &c., neither of which cases was finally adjudicated; it was strenuously contended that Hawick was identical with royal burghs, except in the matter of Parliamentary Representation. In a subsequent case the point came under the cognizance of the Sheriff of Roxburghshire, in a question connected with the riots at Hawick during the election for the county in 1837. The parties injured, founding on the statute 3d Geo. IV., c. 33, convened the clerk to the Commissioners of Supply for the county, as representing that body, and the town-clerk of Hawick as representing the occupiers of houses there, as defenders; and the

point to be determined was, whether the term burgh, occurring in the statute, was to be interpreted as signifying a burgh royal only, or a burgh generally. If Hawick was a royal burgh, then the liability of the householders was undoubted; if not, then their properties, if assessable at all, could only be so in common with the rest of the county. A case having been submitted to Mr James Ivory, advocate, now Lord Ivory, he returned the following—

“ Opinion for the Inhabitants of Hawick.

“ I have very great doubts how far a mere burgh of barony (such as Hawick) can be held to fall within the operation and sense of the statute 3d Geo. IV. c. 33; and I am not aware of any case in which the point ever was raised, or of any authority, institutional or otherwise, which at all touches the matter.

“ I should myself, as at present advised, be upon the whole disposed to say, that the burghs to which the statute refers, are exclusively the *royal burghs*—that being the class more naturally falling within the *generic* word, when not otherwise explained; and it being, besides, between this class of burghs and the counties that all the more prominent distinctions in point both of privilege and taxation are, in other respects, found to prevail. This view is corroborated, as regards the present question, by the particular method pointed out in the statute for recovering the damages. In the first instance, prosecution is directed against the clerk of supply for the county, and against the town-clerk for cities or burghs. Then the clerk of supply is directed to set in motion the Commissioners of Supply, and the town-clerk the Magistrates of the burgh. And, finally, by section 12, the Commissioners



of Supply are directed to add the amount to the annual assessment usually levied by the collector of the cess in such county; while the Magistrates are in like manner directed to add the amount to the corresponding annual assessment levied by the collector of the cess in the city or burgh. This machinery, as I understand it, is hardly applicable in the case of an ordinary burgh of barony. And as the statute obviously does not point at distinguishing between more than two classes of bodies, in both of which the requisite machinery is assumed to exist, I conclude that these two must just be the bodies which are usually placed in contradistinction to each other, viz. the royal burghs, on the one hand, and the counties, as including all that is not royal burgh, on the other."

The Sheriff dismissed the action, in so far as directed against the town-clerk of Hawick, adding to his interlocutor the following

*Note.*—"The Sheriff-substitute is of opinion, that the provisions of the statute as to burghs are applicable only to royal burghs, and not to burghs of regality or barony; and, if that be the true construction of the enactment, it seems plain that this action, which is founded exclusively on the statute, can only lie against the Clerk of the Commissioners of Supply."

It is not probable that the point will be again agitated.

## XV.

OBSERVATIONS on the Division of Hawick  
Common, in 1777.

ALTHOUGH the division of the Common has generally been considered as a measure injurious to the interest of the community, no exposition of the real circumstances of the case has ever been made public, from which a just inference, either the one way or the other, can be drawn regarding it. Declamation, indeed, there has been in abundance, but little or nothing in the shape of facts or explanations. The event, which is an important one in the history of the burgh, merits discussion, however, not only in reference to the legality of the procedure, and the consequences, beneficial or otherwise, resulting from it, but also in regard to the reputation of the individuals on both sides who were parties thereto.

The early history of this property is involved in obscurity. The first mention of the lands occurs in the charter of 1537, which shews that Douglas of Drumlanrig was the Lord of the Manor, and which then gave a clear right of property therein to the particulate vassals. Although not so set forth in the charter, it is probable, nevertheless, that, as the vassals of Drumlanrig, they enjoyed the privilege of pasturage anterior to that date, but without any written grant, and that it was the charter which first conferred on them an indefeasible title to the estate, a conjecture to which the *tenendas* clause of that deed gives some probability. But, however the fact may be as to this, undoubtedly Douglas of Drumlanrig, either in his own right, or as represent-

ing a predecessor, must be viewed in the position of lord paramount of the Commonty. In this light he was, agreeably to a rule of law of general application (see cases of Trotter, 12th February 1736, and Erskine, 16th June 1812), held to reserve to himself a right of property therein, in common with the grantees, provided there had been continuous possession by him and his successors subsequent to the date of the grant. Thus the lands were never completely alienated, all that was conveyed away being merely an admission to equal privileges with the granter, in so far as regarded the fruits of the soil. There is a striking proof that this was the understanding of the Town Council themselves on the subject, contained in their minutes in the year 1710. From these it appears, that they solicited the permission of the Duchess of Buccleuch, before venturing to enclose the lands called Myreslawgreen. The Duchess consented conditionally, under the provision that such consent "should not infer ane property to the toun, but that it should always be ane commonty, and part of the Common in all time coming thereafter."

The mode of occupation of the Commonty corresponded with this construction of the grant. In the evidence adduced and still extant, it was established, by the testimony of many witnesses, and placed indeed beyond the possibility of doubt, that the occupiers of the Buccleuch lands, as well as those of the other circumjacent heritors, at all times pastured their cattle on the Common as freely as the burgesses of Hawick. It was no doubt very anxiously endeavoured to be shewn, that the cattle of the burgesses enjoyed a certain pre-eminence over the rest, and that all the other hirsels often gave way to theirs; but this was probably owing to their being superior in number to any of the other detached flocks,

and perhaps also to the tactics incident to the exercise of such an anomalous right of property, in which the veteran shepherd, Mungo Armstrong, was no doubt a proficient; and the fact of regular enjoyment of the pasturage nevertheless was too palpable and decisive a circumstance to be overcome by occasional squabbles between shepherds having no precise notion of the true rights of parties.

The right being thus, from the first, a limited one in the persons of the burgesses, it is difficult to understand how they came to believe that the claims of the neighbouring heritors were founded on mere usurpation. The Duke of Buccleuch, and some of the other heritors, had the privilege of Commonalty embodied in their titles, in addition to which, the Duke had a parliamentary ratification of his right: they had also possession in accordance with the terms of their deeds, and the burgesses themselves had no more. But, looking to the distinct way in which the boundaries of the lands were indicated in the charter, and judging perhaps from the titles of their burgal tenements, though not analogous, they seem to have been unable to comprehend how these boundaries could have been circumscribed without their express consent.

Although, however, such was undoubtedly the general feeling, there were not wanting at the time individuals who perceived the error of this reasoning, and the advantages which would result from an exclusive, in lieu of a common, occupation of the lands. This is proved by the minutes of Council (see Annals, 1769, &c.), which shew that the council not only foresaw the advantage of a change, but had the courage to brave popular odium in order to accomplish it.

The statute 1695, c. 38, in virtue of which the

action was instituted by the Duke of Buccleuch, is itself an admirable one, and one which has done much to promote Scottish agriculture. It was first founded on in Roxburghshire, in the parish of Smailholm, in 1739, and this was soon followed in other cases. Nothing could be more natural than that the Duke of Buccleuch, who was devoted to the improvement of his estates, should wish to keep pace with the times, and to lend his aid to put an end to such a disadvantageous mode of occupation.

Such, too, was the opinion of the other neighbouring heritors, none of whom\* appear to have offered any resistance to the process of division.

The result was, that a reference was made to Lord Advocate Montgomery of the process of division, whose award in 1777, put an end to the former mode of occupation of the commonity.

That the Town-Council were justified in taking this step cannot be doubted. Indeed, after the Court had sustained the title † of the Duke, they must have considered the case virtually determined against them, as the possession was matter of notoriety.

On what grounds the arbiter proceeded is not quite certain. From the evidence laid before him, it appeared, that "the real rent of the Town of Hawick was £1165:6:6 Sterling yearly. The real rent of the

\* Sir Francis Elliott of Stobs was not an exception, as he had no title, his estate lying in another barony and parish (see the case of the Common of Corrymenie, in Aberdeenshire, decided while these sheets are passing through the press, November 1849); and, besides, his tenants seem to have been formally interrupted when attempting to exercise pasturage.—See the Annals. But there is no evidence of the neighbouring heritors having been so interrupted.

† The Lord Auchinleck, Ordinary, on 1st July 1767, "in respect of the pursuer's active title produced, sustained process, allowed the pursuer to prove his libel," &c.

whole conterminus farms which have ever had any possession upon the common, was only £394 : 5 : 1." It is added, that "if the rule be according to the possession, which appears to be the most reasonable rule, there does not appear anything in the proof which can ascertain the extent of possession; and a further proof will be necessary." The ground of apportionment assigned by his Lordship was, "that the only mode of division that can take place is, by setting off for the conterminous heritors what shall be judged to be sufficient for answering the purposes of their rights of servitude."

It excites surprise to find these heritors' claim treated as a right of *servitude*, since it certainly was, on the authority of the cases of Tillicoultry in 1740, and Reddingrig in 1768 (Morrison's Dictionary, p. 2469 and 2481), an undoubted right of *property*. The Duke of Buccleuch's infestment defined his right, as "all and whole the common of Hawick, and common moor thereof, and whole other parts, pendicles, and pertinents thereof, all lying within the parish of Hawick, and shire of Roxburgh." There is here no mention of pasturage. That the other claimants had a good title, under the term parts and pertinents, specified in their infestments, was determined in the Reddingrig case in 1768. Again, if the Duke of Buccleuch's right had been one of servitude only, he could not have instituted the action of division at all, that privilege being reserved to those who were heritors of the lands sought to be divided.—*Vide* the cases of Tillicoultry in 1740, and Reddingrig in 1771. But being a right of property, the Court held his title to insist in the action to be good. It was, therefore, an unfortunate circumstance that so eminent a lawyer should have so characterized the right, as his opinion gave countenance to the belief

that the claims of these neighbouring heritors were ill-founded. It is possible, however, that be assumed the statement of the party characterizing the right as one of servitude, to be correct, without examining the titles.

No allusion is made by either party to the statutes of 1686 and 1693,\* and yet their existence must certainly have been known to them.

The award, which found, that "the Magistrates and Town Council of Hawick for themselves, and as representing the community of the said town of Hawick, have no exclusive right of property in the muir or commonty of Hawick, but that the said muir or commonty falls to be divided," &c., fortunately declared, that the two Haughs, and Myreslawgreen, although the summons had concluded for their division, as well as of the Common, made no part of the commonty. Of these separate pendicles, as was alleged by the Magistrates, "none of the heritors ever had any possession;" and this important point was gained by the burgh, these twenty acres being equal in value to ten times as many of the common lands. The decree of division concluded with this clause:—"And further, find and declare, decern and ordain, that the sundry allotments made by me of the foresaid commonty or muir in manner before mentioned, with the servitude above specified, (*viz.* the fairs on the Haughs) shall, from the 26th day of May 1777, and in all time coming thereafter, remain and abide with the respective persons above mentioned, to whom I have allotted the same, and that as their own several and undoubted properties, free of every claim or demand whatever, at the instance of all or any of the other parties submitters."

Whether the procedure connected with the division

\* See these in Appendix, Nos. VIII. and IX.

was in every respect just and legal, and there is certainly nothing on the face of the proceedings creating a contrary presumption, it is certain that the measure itself has proved highly beneficial to the community of the burgh. The year 1777 is, indeed, a remarkable era in the history of Hawick, as it was only then that the Council were enabled to enclose their lands, to let part of them in lease, and to commence various other improvements, such as building a town-house, erecting public wells, levelling and paving the streets, and feuing suitable portions of their lands for building purposes. Previous to that date, the burgh having little or no revenue, was compelled to resort to stents, which, though trifling in amount, were levied with difficulty; and the annals show, that their coffers, as was indeed unavoidable, were generally empty. Even their legal power to impose these stents had come to be doubted; so that there was a necessity for some change, in order to the due government of the burgh, where manufactures had now taken root, and the population was increasing.

In other respects, the gain has been prodigious by the change. The lands have undergone great improvements, by draining, enclosures, and plantations, the last embellishing the whole neighbourhood. The consequence has been, that instead of a paltry and uncertain income, the burgh has now £600 a-year of land rental, regularly paid; a large portion of which is applied to defray the expenses of the police of the town; and the revenue is on the increase.

It may be added, that in a statement regarding the burgh in 1793, preserved among the burgh records, there occurs this passage:—"Previous to the division, the burgesses cattle pastured the whole common; and the town had no revenue except what arose from the



dues, or entry-money of the burgesses, which was inconsiderable. Since the division, the whole common is enclosed."

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## XVI.

MEMOIR of the REV. SAMUEL CHARTERS, D.D., Minister of Wilton; delivered as an Address on occasion of his death by the REV. THOMAS SOMERVILLE, D.D., Minister of Jedburgh, &c. &c., on Sunday the 3d July 1825.\*

The Rev. Dr. CHARTERS was born at Inverkeithing, 1742, where his grandfather and his father, in immediate succession, exercised the pastoral office with diligence and reputation. He was deprived of both his parents at an early age, and, with a competent patrimony, fostered and educated under the protection and superintendence of near relations, and particularly of his uncle, the late Mr Samuel Charters, solicitor to the Board of Customs. After the ordinary classical education of a grammar school in the country, he completed his university studies at Glasgow. The indications of a superior mind, and powerful understanding, accompanied with a meek and amiable temper; and his uncommon proficiency in every branch of science and literature, attracted the esteem and affection of his fellow-students, and the marked attention and patronage of the professors under whom he studied. He entered the career of public life, destined, by the auspicious

\* This is the only Memoir of Dr Charters that has ever been printed. The reader is indebted for its reappearance in the present work to the liberality of Mr Robert Armstrong, printer, Hawick, the original publisher.

suffrages of the most discerning judges to whom his merits were known, to excel in any literary department, to which he might afterwards choose to bend the force of his mind. Having discovered an early preference for the clerical profession, his application was principally directed to that course of study which coincided with his predominant taste and inclinations. He devoted his attention and time, with indefatigable industry, to the study of the Holy Scriptures in the original languages, of which he was a perfect master. He was well acquainted with the most celebrated authors, ancient and modern, who have treated of biblical criticism, ecclesiastical history, and theological science; and his profound erudition was acknowledged and admired by all his cotemporary friends, who were conversant in congenial studies. Endowed with refined natural taste he derived relaxation and improvement, from dedicating a portion of his time to the perusal of such authors as shine in polite literature, and ornamental composition.

The consistency of grave and and abstruse subjects with animated feeling and elegant expression, was remarkably displayed in all his works, and, particularly in his moral and religious treatises. The volumes he has published, most of them in the form of sermons, are alike important, and distinguished by the matter which they contain, and the style in which they are expressed. The sermons in which he treats of religious subjects, strictly so called, exhibit a beautiful model of devotional eloquence, inculcating the most pure and exalted notions of the being, perfections, and moral government of God—the riches of his mercy displayed in the dispensation of the gospel, and its sanctifying, consolatory influence upon all, who by faith receive it. The ear-

nestness and sublimity of his prayers thrilled the hearts of his fellow-worshippers, with sympathetic emotions of holy reverence, resignation, and joy. Depth and originality of thought—sensibility—beautiful allusion to the works of nature, and concise and pertinent explanations of Scripture, run through all Dr Charters's publications, and justly entitle him to the praise of being one of the most instructive, moral, and interesting authors of our own time. But in none of his compositions, is originality of thought more striking than in his moral discourses, which make a large proportion of his printed volumes, both on account of the peculiarity and usefulness of the subjects, and just and acute observations on common life and manners. There is a certain class of duties, essential to the Christian character, which are often left undone, because the time and manner of performing them is indefinite, the omission less obvious, and temptations to neglect not so immediate and perceptible, though not less insidious and dangerous. The owing no man any thing, or paying debt—the dispensing of alms—the making a wise, prudent arrangement of secular, domestic affairs, by a testament, are too often degraded in the scale of morality, and the neglect of them is considered as implying, only, venial blemishes in a religious character. The mighty mischiefs arising from the omission, or neglect of these duties—their sacred, indispensable obligation—the illusive apologies which set conscience at ease, are delineated and described with such clearness, precision, and energy, that it is impossible that any individual who makes light of them, can remain ignorant of his guilt and danger. I know of no compositions better entitled to the emphatical, laconic encomium of Lord Bacon—"they come home to the business and bosoms

of men." I may farther observe, with regard to Dr Charters's sermons, that they are free from all controverted, uncertain articles of faith, and the pure, essential doctrines of the Christian religion, are explained, illustrated, and enforced, in strict conformity to the authority of the Holy Scriptures, and made level to the capacity of the most unlearned hearers. His style and composition are not less original than the quality of the matter—remarkable for simplicity, united with dignity and elegance; and for conciseness and strength, without deviating from plainness and perspicuity. There is nothing redundant or superfluous, and seldom any thing deficient or wanting. It would perhaps be difficult to select, from any author, an example of so much weight and variety of argument contained in as few words. It may, at the same time, be observed, that, in the delivery of his sermons, he rather exceeded in compression, and, by the abruptness and unexpected suddenness of the conclusion, often disappointed the anticipated gratification of his approving, intelligent hearers. The venerable, apostolic aspect of your late worthy pastor, and the impressive solemnity of his address, equally remote from coldness and indifference, and petulance and affectation of ardour, stamped conviction of his sincerity upon the hearts of his hearers, and insured profound attention, and filial respect to his admonitions.

His conversation, in mixed company, was reserved and guarded. He avoided keenness of dispute, and seldom committed himself upon subjects which are the occasion of divided opinions, and warm excitement. With familiar friends, it was frank, animated, and instructive, and often sweetened by vivacity and strokes of pleasantry; but whatever the subject of his conver-

sation had been, it always left lasting impressions of his sagacity, knowledge, and amiable temper.

He never enlisted under the banners of any party, nor assumed the rank of a leader in the judicatories of which he was a member ; but the acknowledged solidity of his judgment, and his inflexible integrity, had a powerful sway over the opinions of his conscientious brethren, when any topic, connected with the discipline or interest of the church at large, happened to be the subject of discussion. If there was any one point into which he entered with ardour of zeal, or departed from that calmness which was the habitual stamp of his character, it was upon the occurrence of any measure or question relative to the interests of toleration. He firmly believed and contended, that every enlargement of toleration would ultimately contribute to the credit and diffusion of true religion, and more than counterbalance the transitory inconveniencies arising from it.

In speaking of the private life of your departed pastor, it is unnecessary to dilate on those virtues, which were familiar to all who now hear me—his fidelity in the discharge of the ministerial duty—his sympathetic attention, and consolatory admonitions to those who were visited with affliction—his vigilance and unwearied diligence, in communicating instruction and advice adapted to the circumstances of individuals, and families—his liberal exertions, in behalf of his indigent parishioners—his assiduity, in infusing the principles of piety and virtue into the hearts of the young and rising generation—his exemplary conjugal, and fraternal affection—the kindness and tenderness he exercised towards all the members of his family. But I consider myself, as particularly invited by the duty imposed

upon me at this time, to specify those dispositions and qualities, which constituted the most prominent and discriminating features in the life and character of your late worthy pastor.

A native bashfulness and humility, seldom associated with transcendant abilities, adorned his whole deportment, and gained upon the affections of all who knew him. Far from being ambitious of notice or fame, he shrunk from ostentation and display, and even avoided the fairest opportunities of showing the superiority of his intellectual powers, and the rich and ample stores of knowledge he had acquired. Were I to give the names of several individuals, of high renown in the literary circle, who admired his talents, and cultivated his correspondence and friendship, it may appear unaccountable, that he did not enjoy a more public and splendid field for the exercise of his pre-eminent faculties and acquirements. But it is a fact, well known to his confidential friends, that his continuance in a station comparatively remote and obscure, was not, as often happens to deserving candidates, imputable to neglect or disappointment, but to the choice of his heart, and the persuasion, that he might be more happy, and virtuous, and useful, by remaining in the shade, and conscientiously dedicating his endowments and labours to the interests of religion, in that district to which Providence had called him, at an early stage of life.

While he thought humbly of himself, I never knew any person more disposed to give praise to the well-founded pretensions of others, and more cordially to rejoice in the reward and success of merit. The same humble disposition, induced him to adopt the most candid interpretation of the conduct and actions of others. He

was not only slow to take up an evil report against his neighbour, but fond to dwell on the bright side of characters. He discovered a peculiar delight in fixing upon acts of distinguished goodness, as tending to redeem or palliate occasional, minor delinquencies.

He was a judicious, but liberal critic. An admirer of intellectual excellence, and eloquent authors, he regretted that the pride of genius and ambition of novelty often betrayed them into aberrations of opinion and fancy, which seduce and mislead shallow readers, destitute of correct taste and moral sensibility.

His modesty and humility were habitually manifested by the meekness of his temper, and unruffled composure, when he met with injuries or disappointments, from which the most prudent and innocent are not, at all times, exempted—by patience and resignation under more pressing calamities — by disinterestedness, self-denial, and moderation, in the use of personal prosperity, and the application of it to generous purposes. And this leads me to remark another distinctive feature of his character.

All, who now hear me, can bear testimony to his extensive and unwearied beneficence. I have had the happiness to be acquainted with many individuals, whose charitable donations did not fall short of the proportion which might be reasonably expected from the income or prosperous circumstances, with which Providence had favoured them, but I may truly affirm, that, in the wide circle of my acquaintance and observation, I never met with any example of more liberal beneficence—of more ardent, persevering, laborious exertions in doing good—patronising disappointed industry—relieving the embarrassments of unfortunate friends—furnishing the means of education to young persons of promising

abilities—promoting useful designs\*, clothing the naked, and feeding the hungry. Besides the evidence of his surpassing generosity, necessarily obvious and well known, many instances not less costly were discovered only by his confidential friends, and many, we may believe, concealed even from them. But it is proper to observe, that his charity did not flow merely from the impulse of compassion, which, however laudable, is often misguided, and rashly bestowed upon the undeserving. It was considerate, and deliberative. He weighed the comparative merits and pretensions of the objects of it, and the permanent value and effect of its operation. I have known him resist importunate solicitations, and disappoint forward expectation, in cases where compliance would have added to his popularity, while secret and more cogent motives suggested a preference of others, though attended with greater pecuniary sacrifices. Vanity had no influence in his charitable donations.

The principle upon which Dr Charters's beneficence was founded, and the manner and circumstances with which it was conducted, constituted its sterling value, and enhanced its merit. He considered love as the test of Christian faith; and active, efficient kindness, adapted to the various necessities of those who are the objects of it, as the only genuine evidence of Christian charity, and that the love of God cannot dwell in the heart of the man, "who seeth his brother in want, and shutteth up his bowels of compassion against him." He felt, in all its force, the condescending, encouraging recommendation of our Lord, "that he that giveth to a disciple

\* One of these particularly deserving of notice was the institution of a select circulating library, for the instruction and entertainment of his parishioners.



but a cup of cold water in the name of a disciple, shall not lose his reward." He testified, from his own experience and feeling, "that it was more blessed to give than to receive." He believed, that a conformity to the example of Jesus, who went about doing good, was the most acceptable proof of a grateful sense of redeeming love, and the most solid basis for humbly rejoicing in the anticipation of the transporting approval, to be pronounced in the great day of accounts, "inasmuch as ye have done it to the least of these, ye have done it unto me—well done, good and faithful servant, enter into the joy of your Lord." And this naturally leads me to observe, in the last place,

That the love of God, the parent root of every virtue, was the most prominent feature that exalted the character of our beloved friend. His piety did not arise merely from any sudden impulse, excited by more interesting emergencies in the course of life, nor was it displayed by ostentatious raptures, which, however much disparaged by those who are strangers to corresponding emotions, often flow from a sincere heart. It was calm, composed, steady, and interwoven into his temper. A sense of divine excellence was engraven in his heart. His thoughts and meditations were habitually bent and exercised, in contemplating the perfections, government, and works of God, and the riches of his grace, so wonderfully manifested in the dispensation of the gospel. He delighted in devout contemplations. He considered himself, as acting continually in the presence of God, and entered upon every undertaking in a pious dependence on the wisdom and goodness of his providence. Hence he enjoyed that invariable serenity and cheerfulness of disposition, which cannot be purchased by temporal prosperity, or the pleasures of sense.

Such was the character of your beloved pastor, who may be justly numbered among the excellent ones of the earth. The event of his death may be considered as public loss, and a lawful occasion of sorrow to his friends and family, and this congregation. Insensibility, or indifference in the house of mourning, is an impeachment both of the moral and religious character ; but, though permitted to sorrow, our sorrow must not be like that of those who have no hope. It must, as has been observed in the preceding discourse, be restrained, and soothed, and sanctified by the principles of our religion—by the hope of a resurrection, and the belief of immortal life.

Our consolations and our sorrows, on the occurrence of this, and similar trials, spring from the same source, and alternately increase and alleviate their contrasted effects. The deprivation of the invaluable privileges which you derived from the labours and example of your late worthy pastor, is the commencing era of his consummate felicity. “ They that turn many to righteousness, shall shine as the stars of the firmament.” What our Lord said to his disciples, overwhelmed with sorrow upon the near prospect of a separation, may be addressed, in a qualified sense, to all who mourn for the loss of pious friends. “ They have gone to their Father. They have entered into the joy of their Lord.”

There is another ground of consolation, which can be applied to few congregations in the extent it does to you. The privation of past mercies reminds us of our having enjoyed them. Think of the prolonged period of the life and labours of your pious and affectionate minister. How few have enjoyed such a distinguished blessing ! Having ministered to your instruction and comfort for more than half a century, “ he is now ga-

thered to his fathers, like a shock of corn in due season." Remember that to whom much is given, of them much shall be required. Would you wish to express your gratitude to God, and your respect to the memory of your worthy pastor in a way that would have been most acceptable to him—call up to your minds every day his instructions and example. Embrace with thankfulness the opportunities which Almighty God may be pleased to afford you for promoting your spiritual edification. Show all due respect to those "who labour among you, and are over you in the Lord, and admonish you, and esteem them very highly in love for their works' sake, and be at peace among yourselves."

Before I conclude, I feel it proper, in justice to myself, to mention to you, that I have not undertaken the performance of the duty of this day without great anxiety and distrust. From the infirmities of age, I was conscious of my incapacity of performing it in a way satisfactory to myself. But there existed strong, and peculiar inducements, for my complying with the desire of my sympathising friends and fellow-mourners, upon this occasion. It is a tribute of respect due to the memory of a beloved friend. I have known him longer, and more intimately, than any individual who now survives. My acquaintance with Dr Charters commenced about sixty years ago. A reciprocal attachment soon ripened into a maturity of friendship, which could not admit of increase from any relation which might afterwards take place between us.\* We made known to one another all our future views and plans of life. We entered into a partnership in study, and mutually communicated the first specimens of our

\* In familiar conversation they named each other Sam and Tam.

compositions, and passed our probationary trials together for being licensed to become preachers of the gospel. The vicinity of our situation for fifty-three years past, afforded us the opportunity of continuing our confidential intercourse, and of consulting with one another upon the most interesting occurrences that happened to us. Often have we been united in scenes of pleasure—often have we been united in scenes of sorrow. The enjoyment of his friendship, I have always considered as one of the greatest blessings of my life. Every day, during my few remaining days, I shall think of him with the most tender affection. While comforted with the belief of his happy transition, and of his having entered into the joy of his Lord, may I, and you, my fellow-mourners, by treading in his steps, and being followers of them who by faith have inherited the promises, be enabled, upon good grounds, to rejoice in the hope of being again united with him in the bonds of everlasting friendship, and made members of the society of the just made perfect, when all tears shall be wiped from our eyes, and there shall be no more death, nor sorrow, nor sin!

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All the papers of Dr Charters, including his own manuscripts, were, in consequence of his express injunctions, destroyed immediately after his death.

Since the admirable address of Dr Somerville was delivered, a review of Dr Charter's sermons has appeared in the printed works of Dr Chalmers, who, to the end of his life, thought of him with the greatest respect and affection. In the year 1841, Dr Chalmers spoke of his old friend to a Roxburghshire clergyman, as "the most interesting minister in the Church of Scotland."

Besides his admirable Sermons, published in 1786, and reprinted in 1816, in 2 vols. 8vo, Dr Charters was author of A Discourse on the Duty of Making a Testament, 8vo, 1794; and an Essay on Bashfulness, small 8vo, 1815, now unfortunately out of print, as its merits are of high order.

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## XVII.

## SET OF THE BURGH.

DECERNITURE of the COURT OF SESSION, in the conjoined Process of Declarator betwixt the BURGESSES OF HAWICK and the BAILIES and COUNCIL thereof, 22d February 1780 and 11th August 1781.

THE Lords of Council and Session found, and hereby find, that the Bailies, when elected with the advice of the Council, have the right of administration of the town's property, and that, after setting aside a sufficient quantity of the Common to answer the usual and necessary purposes of the burgesses inhabitants, may set out the remainder for a reasonable term of years, and for an adequate rent, to be applied towards discharging the debts of the community, and other beneficial purposes: Found, and hereby find, that the Bailies and Town-Council presently in possession shall continue in the management and direction of the affairs of the said burgh until the second Friday of October next: But found and declared, and hereby find and declare, that thereafter the said Town-Council shall consist of thirty-one persons, to be chosen and elected then, and yearly

thereafter, in the following manner :—That the Bailies and Town-Council shall, upon the Wednesday preceding the said second Friday of October, choose and make up a leet of six persons, out of which leet two Bailies shall be chosen, as use now is, by the body of the burghesses, bearing scott and lott\* within the said burgh, or trading and residing within the said burgh, upon the said second Friday of October; and that no person shall be capable of being elected a Bailie for more than two years successivè : Secondly, that there presently are, and shall henceforth continue, seven Incorporations within the said burgh, viz., Weavers, Tailors, Hammermen, Skinners, Fleshers, Shoemakers, and Baxters, each of which incorporations shall be entitled, upon Thursday preceding the said second Friday, to elect two quarter-masters† for each trade, to continue in office for one year; and that no person shall be capable of being elected a quarter-master longer than for two years successivè : Thirdly, that on the said second Friday after the Bailies are duly elected, and admitted as members of the Council, the said fourteen quarter-masters shall be entitled to be also admitted members of the Council for the ensuing year; and in case of the death of any of the said quarter-masters, it shall be competent to the incorporation to which he belongs, to supply his place by electing another for the remainder of the year : Fourthly, that upon the said second Friday of October next, the two bailies now to be elected, and the Council now in being, shall, from among the councillors now existing, elect and appoint fifteen councillors, who shall continue

\* These terms signify “local rates and probably general taxes.”—*Hallam's Constit. History of England*, vol. ii. p. 200. Ed. 1842.

† This military term indicates the nature of the duties formerly annexed to the office.

in their office during life, or until otherwise legally removed : But declared, and hereby declare, that the then Bailies may be elected in the number of the fifteen councillors : But also found, and hereby find, that when any of the councillors is elected a Bailie, the Bailies and the remaining councillors may elect a proper person councillor, to serve as councillor for that year, in order that the two Bailies and fifteen councillors may make the complete number of seventeen, which, with the fourteen quarter-masters, make up the number of thirty-one : Further, found, and hereby find,\* that upon the death or removal of any councillor, the Bailies and Council, exclusive of the quarter-masters, shall, without delay, elect another proper person councillor in his place : Further, found and declared, and hereby find and declare, that thirteen shall be held a quorum of the Council, the Bailies and Councillors always making seven of that number : Found and declared, and hereby find and declare, that the eldest Bailie shall preside in all meetings of council, and in case of the absence of the Bailies, the eldest Councillor present shall preside ; and in case

\* The Town Council, on 4th October 1821, passed the following act :—

“ Find, that it has been the uniform practice of this burgh, that whenever a burgess has removed from the precincts of the burgh, and become non-resident therein, he has ceased to have a voice in the election of the bailies ; and that, if a councillor, he has also vacated his seat as such, and ceased to act in that capacity : Find, that this practice is in strict conformity to the terms of the charter granted by James Douglas of Drumlanrig, in favour of the burgh, in the year 1537, and not inconsistent with the decree of declarator of the Court of Session in the year 1781 : Therefore, find and declare, that a councillor, by removing from the precincts of the burgh, and becoming non-resident therein, does thereby disqualify himself as a councillor of the burgh, and vacate his seat as such accordingly.”

of equality, the person presiding shall always be entitled to a casting vote : And further, found, and hereby find, that the whole Council, consisting of the Bailies, councillors, and quarter-masters, shall, upon the said second Friday of October, yearly, elect one of their number to be Treasurer of the burgh for the subsequent year : Found, and hereby find, that the said election shall proceed yearly, in the same manner and upon the same day as above specified : Found, and hereby find, that the management and direction of the present Bailies and Town-Council of the burgh of the affairs thereof, extends no further than to the common and ordinary acts of administration of the affairs of the burgh ; and that the exercise of the more extraordinary acts of administration, such as feuing or selling the property of the town, the election of the town-herd, and the like, which have a prospect beyond the day appointed for election, are competent only to the Magistrates and Council to be then elected, and their successors in office in all time coming : And decerned and declared, and hereby decern and declare accordingly.

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The judges are stated to have been unanimous in their opinions.

Although it has been a subject of general regret that the charter of 1537, so liberally conceived, should have thus been subverted, and the system of self-election legalized, it is by no means clear that any detriment, in a patrimonial point of view at least, has thereby resulted to the community. If the party of Freeman had been successful, it is certain that they would have resisted the enclosing and letting of the burgh lands,



since this would have interfered with the broad right of pasturage to which they laid claim, while none of the other recent improvements would probably have ever been attempted.

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XVIII.

THE REV. JOHN YOUNG, D.D.

THE name of Dr Young does not appear in Mr Chalmers' Notes. He was born at Milnathort, in the county of Perth, in the year 1743; and was in 1767 appointed to the Antiburgher congregation of Hawick, where he died in 1806, aged 63.

Dr Young was the Author of the following works which are now scarce:—

Rules for the Direction of Praying Societies, or Fellowship Meetings, by John Young, Minister of the Gospel at Hawick. Edinburgh, printed by Neill and Company, 1781. Price One Penny, 12mo, pp. 12.

Essays on Civil Government, and other Subjects, 1794. 8vo.

Sermons on Important Subjects, 1798. 2 vols. 8vo.

Afterwards reprinted with a third volume added, and other detached Sermons.\*

\* In the Preface to this Edition (1797), Dr Young says: "There are various things lately published under the name of Sermons, that bear no more relation to the gospel of Christ than the discourses of a heathen philosopher. And some that run in direct opposition to the capital doctrines of the Christian system." If, as is probable,

The History of the War between Great Britain and France. London, 1804. 2 vols. 8vo.

He also furnished occasional contributions to the periodical works connected with his party.

Dr Young having been a college contemporary of Henry, first Lord Melville,\* an intimacy was formed between them, which continued through life. When the Essays on Government were published, Mr Dundas is supposed to have brought this publication, or the private worth of its author, under the notice of Mr Pitt, who bestowed a pension and other substantial favours on the family of Dr Young.

Dr Young received several calls, and among others one from the Nicolson Street Congregation, Edinburgh, with a stipend of £400. All these honours and emoluments, however, he, like his contemporary and neighbour Dr Charters of Wilton, refused, preferring the attachment of a confiding flock, though his stipend was only £45 per annum. Such disinterested conduct was truly praiseworthy, and established a more solid ground for the rewards conferred on his family, than the Essays on Government.

Dr Young had the reputation of being an able and useful pastor, and his memory is still revered by the few survivors of his flock. He was the father of thirteen children, some of whom still survive.

this blow was aimed at his neighbour Dr Charters, whose Sermons had been published a few years before, it might have been spared, since these are still read and highly valued, while Dr Young's are entirely forgotten.

\* Several very interesting letters from Mr Pitt, and also from Mr Secretary Dundas, while proconsul for Scotland, to Dr Young, were long preserved in the family, but are now unfortunately lost.

## XIX.

JUDGMENT of the COURT OF SESSION in the CATTLE  
STENT CASE.

## LORD CRAIGIE'S INTERLOCUTOR

14th Nov. 1815.—“ Having considered the memorials for the parties, additional memorials, and whole proceedings, finds the letters orderly proceeded, and decerns ; finds expenses due, allows an account thereof to be given in, and remits to the auditor to tax the same.”

NOTE.—“ Notwithstanding the doubts arising from the terms of the Charter produced, (which, however, does not appear to have been the Charter erecting the burgh), and, from some of the subsequent proceedings, it does not appear that there is any substantial difference as to the matter in dispute between ‘ the particate men,’ as they are called, and their successors, and the ordinary burgesses. Neither does it appear, that the Magistrates are precluded from using the commonty in the way most convenient for the general advantage. As to the decree in 1781, which directs a sufficient quantity of the Common to be retained to answer the usual and necessary purposes of the burgesses, inhabitants, it appears to have been merely an arrangement, agreeable to the ordinary mode of managing such properties at the time, and would not, in all probability, be thought to prevent the Magistrates from pursuing a different course at this time. Indeed, as to that part of the Commonty that is used by cattle belonging

to strangers, the interlocutor would directly authorise a lease. But it is not necessary to give any decision on the point.

“ Holding, that the Magistrates have a power of administrating the Commonty according to the exigencies of the burgh, an increase of the *cattle stent*, as it is called, is not to be viewed as a *tax*, but merely as an augmentation of the *rent*, which, it is not disputed, the circumstances of the community render necessary at this time.

“ If it could have been held, that the *particate men* had a right of property in the Common, it cannot be imagined that they would have submitted to any increase of the cattle stent, when it came to be more than necessary for paying the common herd; and least of all, would they have allowed strangers to pasture their cattle upon the Common, for a rent to be paid exclusively to the Magistrates. But, indeed, the interlocutor of Lord Alva, already referred to, is quite inconsistent with the suspenders plea. If the *particate men*, mentioned in the Charter, had a right of property in the Common, and, as the suspenders allege, the whole property, it would have been most unjust to have authorised a lease of any part of it, without allowing them at least a share in the rents.”

This judgment was affirmed by the Inner House.

Notes of the Judges opinions at a previous advising have been preserved, but in too imperfect a state for publication.

# XX.—CORPORATION ABSTRACT, 1814 TO 1815.

## INCOME.

To Arrears of Rent and Feu-duties taken credit for in last Account, . . .	£100	7	1½
--- Arrears of Cattle Stent anno 1814, recovered at the old rate, . . .	13	18	6
--- Rents and Feu-duties from Whitsunday 1814 to Whitsunday 1815, . . .	377	10	8
--- Rent of two wooden bridges over Roughton Dam, . . .	£0	1	0
--- Rents of Town house, . . .	2	5	0
--- Customs at Tryst, anno 1814, . . .	1	15	0
--- Cattle Stent anno 1816, . . .	39	7	0
--- Burgess Entries, . . .	43	8	0
--- Interest of Arrears of Rent recovered, . . .	10	0	0
--- Law Expenses recovered, . . .	1	2	0
	1	17	0

£548 3 3½

## EXPENDITURE.

By balance due the Treasurer per last Account, £13 6 1½	13	6	1½
--- Annual Interest of Town's debt, being £2520, at 4½ per cent, . . .	113	8	0
--- Annual Salaries of Officers, . . .	46	0	0
--- Town Herd's do, . . .	23	1	9
--- Officers' Clothes, . . .	5	7	1½
--- Schoolmaster's Salary, . . .	2	15	6½
--- Property Tax and other Public Burdens, . . .	35	5	4
--- Lamps, . . .	30	18	0
--- Election Dinner, . . .	15	7	0
--- Repairs of Town's Wells, . . .	9	10	6
--- Repairs of Town-House, . . .	3	5	3
--- Repairs of Fences, . . .	36	6	10½
--- Expenses attending Fire-Engine, . . .	16	5	4
--- Repairs of Town's Stable, . . .	1	15	4
--- Officers' Extra Jobs, . . .	4	19	6
--- Law Expenses, . . .	28	19	2
--- Miscellaneous Expenses, comprehending Repairs of Kirk Clock, Burleymen, Spademen and Officers allowance, and Music at Common Riding, Stamps, Postages, Expresses, &c. &c. . .	11	3	7½
--- Arrears of Rent given up, . . .	13	14	7½
--- Sum advanced for Poores rates to be paid back by the Collector, . . .	10	0	0
--- Arrears of Rents and Feu-duties still due, . . .	109	7	0
By Balance in Treasurer's hands, . . .	17	7	2½

£548 3 3½

## XXI.—CORPORATION ABSTRACT,

## TOWN TREASURER, DR.

*To the Revenue of the Town for the by-past Year, viz.,*

1. Amount of Rents and Feu-duties,	£517	14	4
2. Cattle Stent for the year to Whitsunday 1848,	72	10	0
3. Burgess Entries,	8	0	0
4. Water Duty,	14	2	4
5. Rents of Town-House and Tents,	4	17	6
6. Rents of uninclosed parts of Common Haugh,	1	16	0
7. Proceeds of Crop of Growing Corn at Flex Park,	50	15	7
8. Price of Street Lamps and Scavengers' Implements sold to Police Board,	33	0	0
9. Old Water Pipes in Wellogate sold,	16	8	0
10. Gate Rents,	0	3	0
			<u>£719 6 9</u>

To Price of Under Common Haugh sold to North British Railway Company, and Interest,

	3318	14	8
Less Edinburgh Agent's Account,	£70	3	7
Country Agent's do.	50	0	0
Surveyors, Witnesses, Jury, Sheriff-Clerk, &c.,	47	0	11
			<u>167 4 6</u>
			3151 10 2

To Price of 7½ acres of land at Common, sold to the Heritors of Hawick Parish, in order to be exchanged for New Burial-Ground at Wellogate,

	262	10	0
Less Expense of Conveyance,	2	7	9
			<u>260 2 3</u>

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£4130 19 2

## CAPITAL

1846,  
October 5. Debt owing by the Burgh at this date, . . . £3445 0 0

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£3445 0 0

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1846 to 1847.

## TOWN TREASURER, CR.

By Balance due to the Treasurer at last Settlement,	£29	19	0
<i>Cash paid as under, viz:—</i>			
1. Debt discharged,	2805	0	0
2. Interest thereof to this date,	177	2	1
3. Officers' Salaries, viz.,—			
Clerk of Police,	£20	0	0
Town Treasurer,	15	0	0
Master of Works,	7	0	0
Clock-Keeper,	6	0	0
Burgh Officers,	7	0	0
Town-Herd,	20	0	0
	75	0	0
4. Schoolmaster's Salary,	2	15	6
5. Poor Rates,	43	13	7
6. Officers' Extra Jobs,	8	1	5
7. Officers' Clothes, three suits,	15	0	0
8. Fire-Engine Establishment, £6, 7s. ; and Subscription to New Engine, £30,	36	7	0
9. Expense of Street Lamps,	2	0	0
10. Repairs of Town-House, and Clock's Insurance, &c.,	14	15	11
11. Repairs at Wells, including new pipes at Wellogate and Streets,	60	19	6
12. Fences, Plantations, Seeds, Lime, and other improve- ments on Common and Common Haugh,	125	3	6
13. Statute Labour, £3:12:10 ; Property Tax, £11:12:1 ; Prison Tax, £3:2:7 ; Assessment for New Burial- Ground, £12:15:8,	31	3	2
14. Expense attending Mr Veitch, Inspector of Weights and Measures, visit to Hawick,	5	0	0
15. Expenses attending Bailies' Election and Common Riding,	3	10	0
16. Printing, Stationery, and Advertising,	8	6	3
17. Abatements of Rent allowed,	31	4	0
18. Subscription towards erection of Wooden Bridge at Kirk Wynd Foot,	5	0	0
19. Contribution to Police Funds from Whitsunday 1846, to Whitsunday 1847, £150 ; less charged in last account £35,	115	0	0
Contribution to Do. for year Whitsunday 1847, to Whit- sunday 1848,	151	0	0
20. Auctioneer's Account,	5	15	9
21. Edinburgh Agent's Account,	1	9	10
22. Country Agent's Do.	17	8	5
23. Miscellaneous Expenditure,	3	10	9
24. Arrears of Rent to be charged in next account,	31	10	0
25. Rents not yet chargeable,	19	5	2
Balance in Treasurer's hands to be credited in next account,	305	18	4
	£4130	19	2

## ACCOUNT.

1847,			
October 4. Debt discharged within the year,	£2805	0	0
Debt still owing,	640	0	0
	£3445	0	0

## XXII.—COMPARATIVE VIEW OF THE TRADE OF HAWICK, 1771-1850.

	1771.	1791.	1816.	1838.	1850.
1. Carding Mills, . . . . .	...	...	7	11 (one of which partly by steam.)	11 (6 of which water and steam). 106 engines, or 53 sets.
2. Engines or Scorching Ma- chines, . . . . .	...	...	44	...	...
3. Spinning Jennies, . . . . .	...	...	100 (hand) 12,000 stores of 24 lbs.	108,162 st. of 24 lbs. value £65,000.	2,016,000 lbs.+ value £142,100.
4. Annual Consumption of Wool, . . . . .	...	...	290,000 lbs.	854,462 lbs.	1,209,600 lbs.
5. Quantity of Yarn Manufac- tured, . . . . .	...	...	510	1209	1200
6. Number of Stocking Frames, ... . .	4	8	...	...	...
7. Number of Stockings made, ... . .	2000 pairs.	3500 pairs Lamb's Wool—600 pairs Cotton.	328,000	1,049,676 pairs.*	...
8. Articles of Under-Clothing, ... . .	...	...	...	12,552	120,000
9. Number of Weaving Looms, ... . .	...	...	...	226	268
10. Number of Operatives, . . . . .	5 men 6 women.	14 men 51 women.	1044	1788 (besides females.)	3465 power & hand-loom.
11. Quantity of Soap consumed, ... . .	...	...	...	102,899 lbs.	207,378 lbs.
12. Annual Amount of Wages, ... . .	...	...	...	£48,726	£81,650
13. Value of Property employed in Manufactures, . . . . .	...	...	...	£101,861	£185,616
14. Value of Manufactures, . . . . .	...	...	...	£140,000	£280,904
15. Quantity of Coal consumed, ... . .	...	...	...	...	10,000 tons.
16. Population, . . . . .	P. 2800	T. 2320	T. 3684 in 1821.	T. 5306	T. 8000 in 1845.

\* The statement in the Encyclopædia Britannica, Article Scotland, published in 1841 or 1842, specifying 500,000 pairs as the annual production is undoubtedly erroneous.

† The Wool consumed is now of much finer quality than in 1838.



## ADDENDUM.

REV. GEORGE HEPBURN and the REV. THOMAS  
SOMERVILLE.

SINCE the preceding pages were printed, the Rev. John Aikman Wallace, Hawick, has been kind enough to point out an individual, not before noticed, minister of the parish of Hawick prior to the commencement of the Presbytery's records, whose name has lately been brought to light in the publications of the Wodrow Society. This was "Mr George Hepburne, Person of Hawcke," whose name occurs in Calderwood's History of the Kirk (vol. iv. p. 210), sub anno 1584, as one of the ministers who subscribed the promise and obligation to obey their ordinary (Patrick, Archbishop of St Andrews), on 22d May of that year, but regarding whom no further particulars are stated.—But that age was much less nice in such matters than the present, of which a striking proof is given by Mr Macaulay in his History of England, vol. i. p. 76.

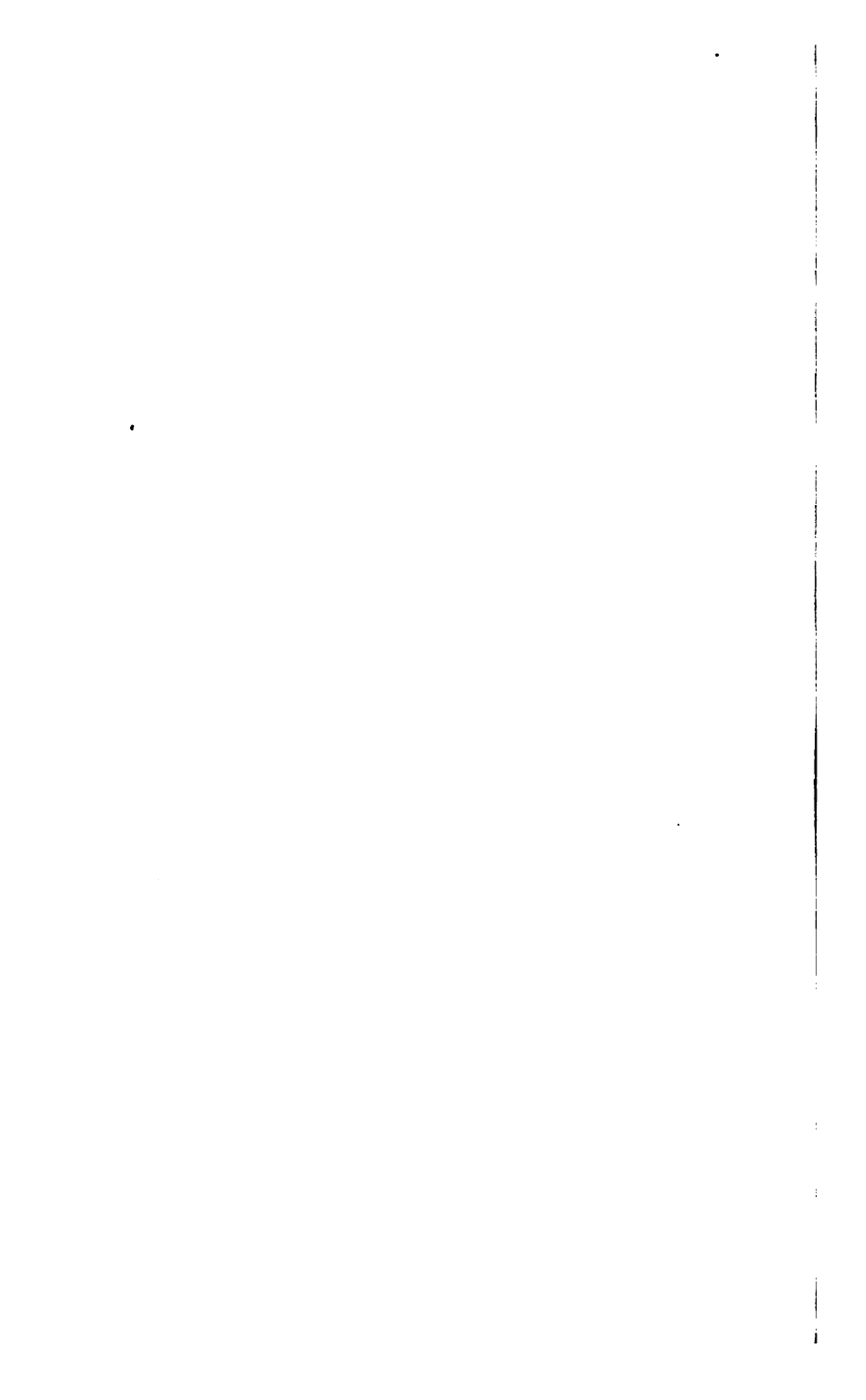
Allusion may also be made to another case, bearing some resemblance to Mr Hepburne's—that of Mr Thomas Somerville, father of Mr William Somerville, minister of Hawick. This gentleman, who was the son of Somerville of Caves and Cambusnethan, was educated for the Church, and was presented to the living of Cavers, by the Bishop of Glasgow, in the year 1674, when Episcopacy was the established religion.

It appears that the appointment was unpopular, the women, who had assembled in great numbers at his in-

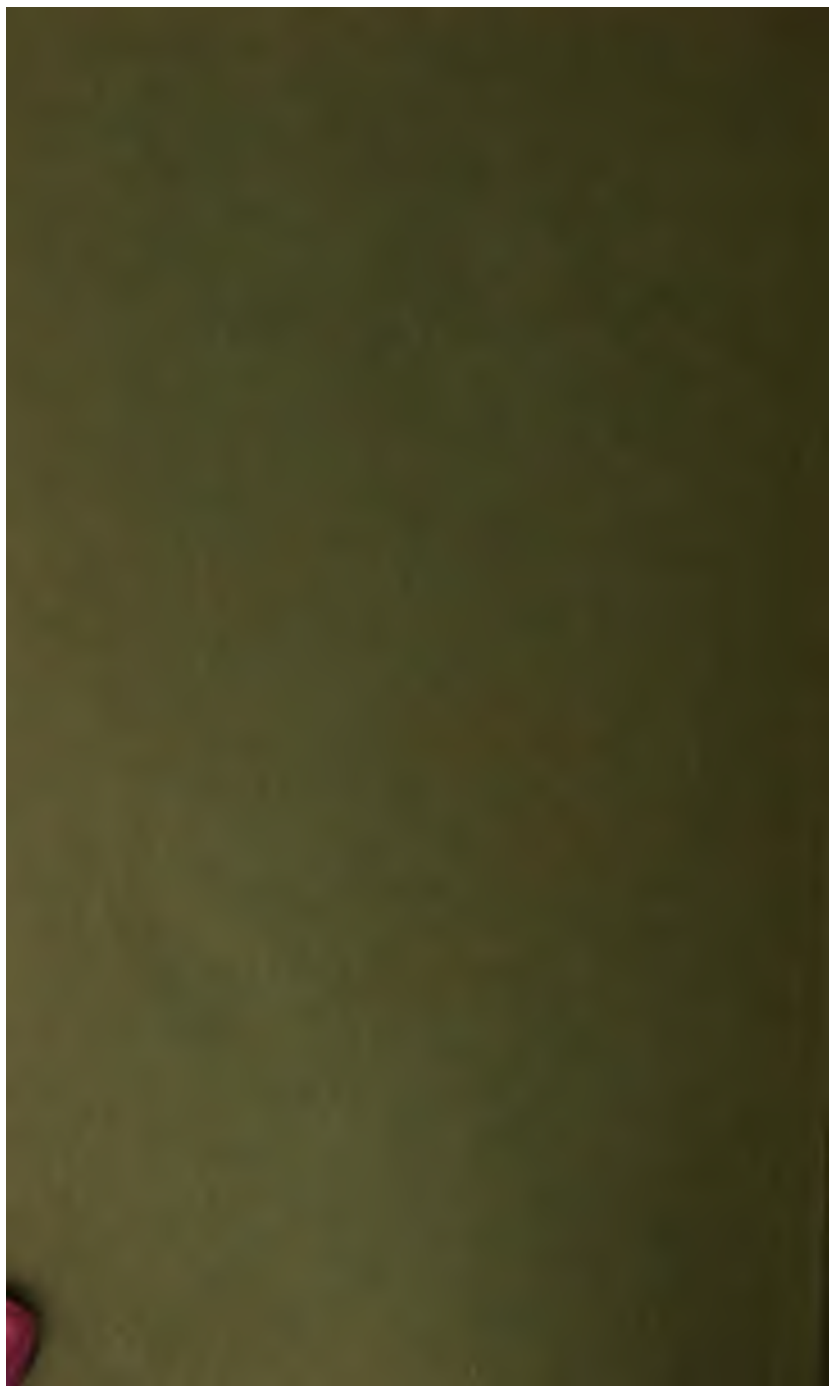
duction, having their laps well filled with stones, wherewith to pelt him. There was a difficulty, too, in obtaining the key of the church from Douglas' of Cavers daughter, who was seen standing at the window with it in her hand, and who was probably in league with the belligerents. The ceremony was therefore performed outside the church, a far more serious informality in the case of an Episcopal than a Presbyterian minister. The absence of the old knight of Cavers, who was Sheriff of the county, is quite intelligible, since, besides being, it may be presumed, a Presbyterian, he was not likely to relish a presentation conferred by one whose title he must have conceived to be inferior to his own.

Mr Somerville resigned or forfeited his living at the Revolution, not on account of any religious scruples or objections to the Presbyterian form of church government then established, but having taken the oath of allegiance to King James, he thought that he could not conscientiously transfer his allegiance to King William. These circumstances, with some others formerly noticed, relating to this worthy family, have been courteously communicated by Mrs General Elliot, great grand-daughter of the reverend gentleman. The editor has learned, from another source, that Mr Somerville afterwards retired to Hawick, where he gathered a small flock, who assembled themselves in a building which may still be seen in that part of the town anciently named Playlaw.









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